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the weekly Standard

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The Bush Era

Fred Barnes • David Brooks • Noemie Emery
Robert Kagan & William Kristol

PLUS: Matt Labash reports from Guantanamo

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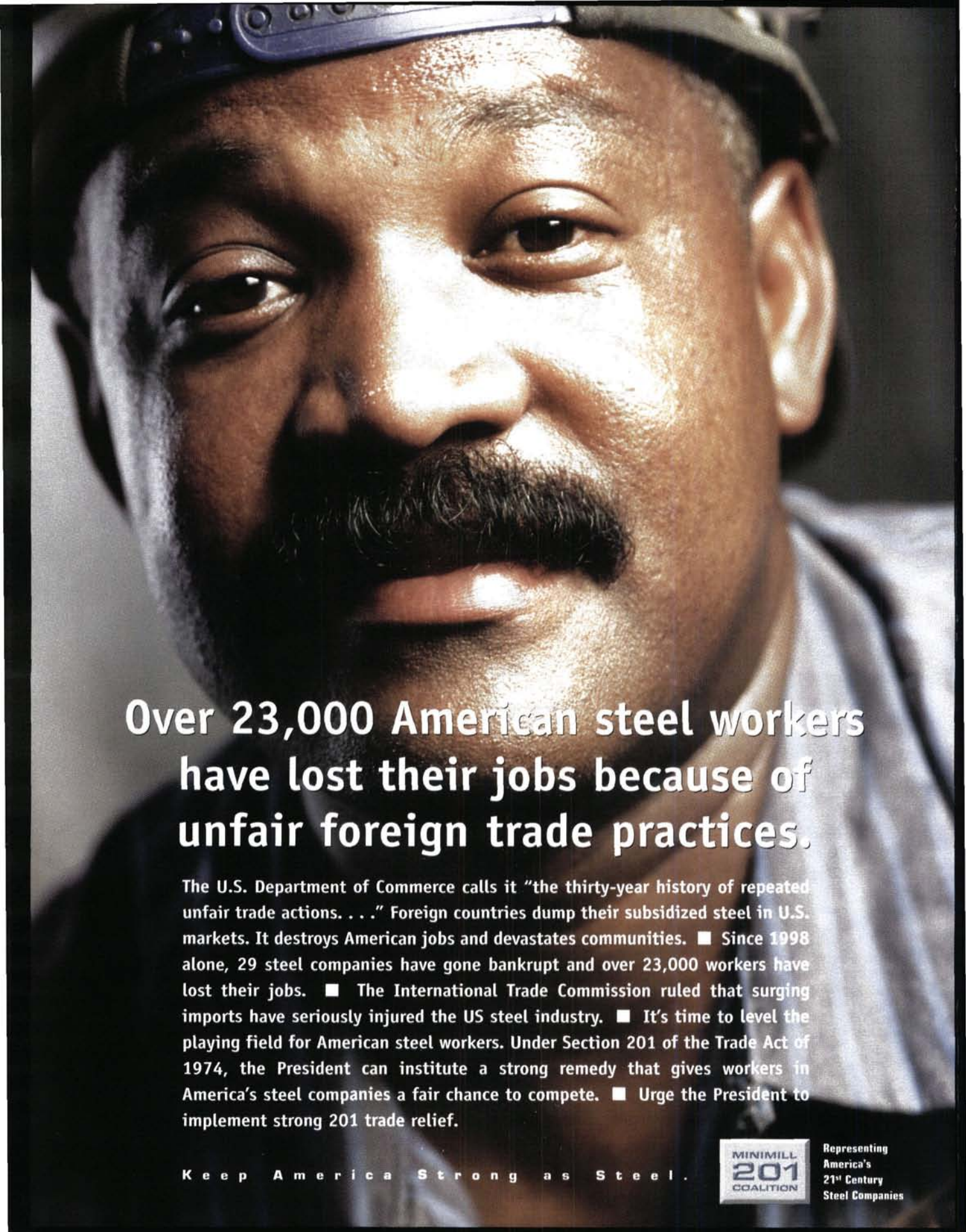

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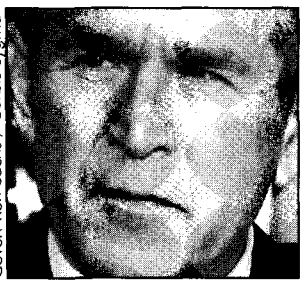

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the weekly Standard

THE WEEKLY STANDARD (ISSN 1083-3013) is published weekly (except the second week in January, the fourth week in April, the second week in July, and the fourth week in August) by News America Incorporated, 1211 Avenue of the Americas, New York, NY 10036. Periodicals postage paid at New York, N.Y. and additional mailing offices. Postmaster: Send address changes to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders to THE WEEKLY STANDARD, P.O. Box 96153, Washington, DC 20090-6153; changes of address to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Yearly subscriptions, $78.00. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7653 for subscription inquiries. Visa/MasterCard payment accepted. Cover price, $3.95. Back issues, $3.95 (includes postage and handling). Send manuscripts and letters to the editor to THE WEEKLY STANDARD, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope. For a copy of THE WEEKLY STANDARD Privacy Policy, visit www.weeklystandard.com or write to Customer Service, THE WEEKLY STANDARD, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. THE WEEKLY STANDARD Advertising Sales Office in Washington, DC, is 1-202-293-4900. Advertising Production: Call John L. Mackall 1-202-496-3354. Copyright 2002, News America Incorporated. All rights reserved. No material in THE WEEKLY STANDARD may be reprinted without permission of the copyright owner. THE WEEKLY STANDARD is a trademark of News America Incorporated.

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Return of the Saddam Apologist

When former U.N. weapons inspector Scott Ritter first surfaced after the September 11 attacks, he sought to persuade America that Saddam Hussein's Iraq "presents a threat to no one." America laughed, made a mental note that Ritter had recently taken $400,000 from a Hussein sympathizer to produce a pro-Saddam documentary, and shrugged off his delusional happy talk about the lack of nuclear, biological, and chemical threats from Iraq (see Stephen F. Hayes's "Saddam Hussein's American Apologist," in our November 19, 2001, issue).

Now Ritter is back selling the same rug to the *Christian Science Monitor*—which on January 23 published his op-ed, "Iraq: The Phantom Threat." While he spent much of the piece regurgitating his old arguments, he went further in order to respond to recent developments.

In recent weeks, the *New York Times*, *Vanity Fair*, and others have reported on the goings-on at Salman Pak, a training camp in Iraq for both Iraqi and non-Iraqi terrorists. Their information comes directly from two former high-ranking Iraqi military officers who helped run the camp. Among their revelations: the existence of a Boeing 707 airplane used to train non-Iraqi "Islamic radicals" in the practice of hijacking. "We could see them train around the fuselage," one of the defectors, a five-year veteran of the camp, told the *New York Times*. "We could see them practice taking over the plane."

"These Islamic radicals were a scruffy lot," said a second defector. "They needed a lot of training, especially physical training. But from speaking with them it was clear they came from a variety of countries, including Saudi Arabia, Yemen, Algeria, Egypt and Morocco. We were training these people to attack installations important to the United States. The Gulf War never ended for Saddam Hussein. He is at war with the United States. We were repeatedly told this."

Not surprisingly, Ritter is skeptical. He laces his article with quotation marks insinuating that the defectors are providing bad "information," and doing so at the direction of the Defense Department. "The facility at Salman Pak does exist," Ritter ruefully concedes, in a head-fake towards the truth. (This is not really much of a concession, though, since U.N. weapons inspectors visited the camp in 1995, and satellite photos by Space Imaging confirm its existence.) Nonetheless, he's unconcerned by the fact that Saddam is training terrorists.

Why? "Its use as an *al Qaeda* training camp is unsubstantiated," he argues (emphasis added). So long as terrorists don't self-identify as al Qaeda, apparently, they're not a threat. ♦

A Critic for All Seasons

Tom Shales, television critic for the *Washington Post*, gave the president's speech a surprisingly warm review, comparing Bush's smiling visage to the million-dollar grin of Paul Newman and the president's easy manner to the made-for-TV style of Dick Cavett (and likening Ted Kennedy to the Nickelodeon channel's cult cartoon hero SpongeBob SquarePants). But our favorite part was his brush-off of old what's-his-name—you know, the guy who was president between the two Bushes.

"As for Bush's predecessor in the White House, he is not missed when it's time for a speech, even though his smooth delivery and bouncy energy were much admired in his day. The party-boy grin would be unseemly now, and not the sort of thing one wears to a war on terrorism."

All true and well said, though THE SCRAPBOOK wonders which of Clinton's admirers the *Post* critic had in mind. Himself, perhaps?

In Clinton's day, reviewing those endless State of the Union marathons, Shales did sometimes sound like he was writing annual reports for the Bubba Fan Club. His eyelash-batting 1999 review noted Clinton's "infectious and good-natured" ad-libbing and said the president looked "boyishly enthusiastic" and "fearlessly confident." And the gushing did not stop there. Clinton seemed "a man . . . determined to overcome perhaps the greatest adversity of all: his own weakness as a human being." This was mere weeks after the president was impeached, a sad day perhaps for First Fan Shales, which might just excuse this memorably fawning closer: "The star of the show was in full tele-glittery glory."

But enough. As someone once said, it's time to move on, which Shales deserves credit for finally doing. ♦

Karl Rove, Leading Indicator

What turns out to have been the most accurate preview of Bush's State of the Union speech? Karl Rove's widely criticized (for crass partisanship) speech last month to the Republican National Committee. "We can go to the American people on the issue of winning this war," Rove said, and "not

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just because of the inspiring leadership of our president since September 11." Why then? Because Americans "understand two things," he said. One is they know "much is yet to be done" in combating terrorism and rogue nations with weapons of mass destruction. The other is "they trust the Republican party to do a better job of protecting and strengthening America's military might and thereby protecting America." Democrats fumed over this, insisting Rove was making the war a partisan issue. Lost in the hullabaloo was how many of the themes underneath the partisan spin made it into the president's address. ♦

Rogue Secretaries of State

Was that former Secretary of State Madeleine Albright we saw on the *Today* show, getting all snippy with Matt Lauer over Bush's phrase "axis of evil"?

LAUER: "He used the term 'axis of evil' in referring to North Korea, Iran and Iraq. . . . Does he run the risk of alienating some of our allies by making statements like that?"

ALBRIGHT: "Absolutely. And—because we know that they are not supportive of what we are doing in Iraq, or Iran or North Korea. And so I don't know what the value is." No, she wouldn't. Albright was the one who tried to stamp out use of the phrase "rogue states" by U.S. officials to describe the North Koreas of the world. Lest they take offense. She dubbed them "states of concern." Truth in labeling has never been her strong point. ♦

Historically Speaking, Everybody Does It

Historian Doris Kearns Goodwin, moments before the president's State of the Union address last week, describing for *NewsHour* viewers the usefulness of recycling phrases from earlier works:

GWEN IFILL: "Doris, I want to ask you this, and also Roger, because you both have worked in White Houses. How important is it to the White House to take a long historical look at how one presents a message like this, what priorities one puts in the speech, how one pulls it together?"

GOODWIN: "Oh, I think there's no question that the speechwriters go back and look at other speeches and other State of the Unions. In fact, I remember one time a funny column where the columnist was able to show similar phrases in about three different presidential State of the Unions, because you look back and you get that sense of history." ♦

Glass Houses Dept.

An item on this page two weeks ago mocked people who confuse James Earl Ray with James Earl Jones. In what was either an unfortunate accident or a case of instantaneous divine retribution, THE SCRAPBOOK in the process identified Lanny Frattare, the Pittsburgh Pirates broadcaster who bungled the James Earl issue, as Larry Frattare. We are duly chagrined. ♦

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Casual

Good Vibes

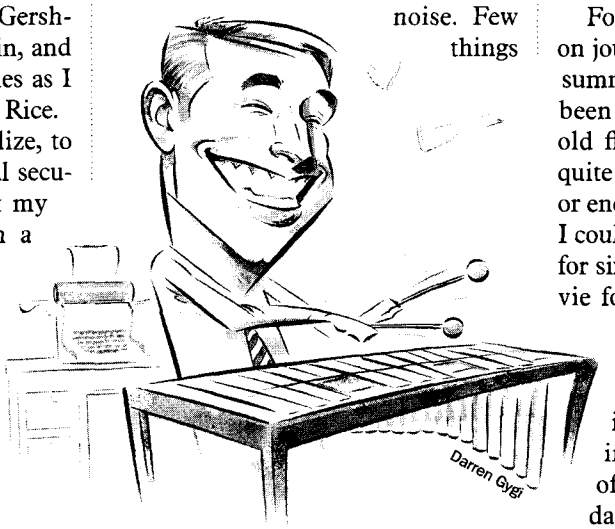
Last August, after a few days of white-knuckle bidding on eBay, I became the proud owner of a 1950s vibraphone. That's the instrument the old jazz master Lionel Hampton plays; it's similar to a xylophone, but its metal keys give it a much more sustained and mellow sound than the xylophone's wood. I'm enjoying it immensely. In the evenings, I'll spend an hour playing old tunes by Gershwin, Jerome Kern, Irving Berlin, and Duke Ellington. And sometimes as I play, I think of . . . Condoleezza Rice.

It may sound strange, I realize, to drag in the president's national security adviser at this point, but my reasons will become clear in a moment. Although music is just my pastime now, it once was my whole future. In college, I majored in music, and I had my heart set on becoming the principal percussionist of the Philadelphia Orchestra. Back then, I spent untold hours obsessing over things like how to play the infinitesimally quiet opening snare drum rhythm of Ravel's *Boléro* at an audition despite nervous, trembling hands.

I gave myself over to music because I was in love—with the rush one feels after a near-flawless performance, of course, but especially, as a percussionist, with rhythm. It entranced me to practice difficult, four-limbed patterns on drum set until they suddenly "grooved" and became effortless; or to achieve the sensation of being in the rhythmic driver's seat of the orchestra while playing timpani in a Brahms symphony.

And I was captivated by color. Playing orchestral percussion is mostly about adding color and texture without being overbearing. At its best, a teacher of mine once explained, playing percussion is like sprinkling jimmies on an ice cream sundae. You learn how to strike a triangle so it sounds like a sparkle of starlight, or to choose just the right pair of cymbals to depict the clashes of Tybalt and Mercutio's swords in Tchaikovsky's *Romeo and Juliet*.

Finally, there was the sheer pleasure of having not just the chance but the *duty* to make noise. Few things compare to the feeling of playing a crescendo on the timpani—of putting the whole orchestra on your shoulders and taking it from the softest *pianissimo* to a roaring *fortissimo*. All this fun came at a price, to be sure; after exposing my ears to so much sonic abuse, I'm certain I'll be making an early trip someday to the Beltone man. But it was worth it.



I know what you're thinking: If I was so crazy about music, how did I end up scouring prose at a political magazine? I wish the explanation involved a bit more pathos—a debilitating case of carpal tunnel syndrome, maybe, or the tragic loss of a thumb to a hastily slammed cab door. The truth, alas, is more mundane. In music school, I eventually learned the secret no one mentions when you apply for admission: It's difficult even for prodigies to make a living performing orchestral music. And though I was a good player, I was no prodigy.

This is where Condoleezza Rice enters the story, for she too was once a music major, and she had a similar epiphany in college. "Foreign policy wasn't always my goal," she told an interviewer recently. "I'd studied to be a pianist but realized that I'd likely end up playing at a piano bar rather than Carnegie Hall." I know how she feels. Fortunately, we both stumbled into work we enjoy as much as playing music.

For two years I concentrated solely on journalism, so getting my vibe last summer and playing music again has been almost like reuniting with an old flame. Not that things are ever quite the same. I don't have the time or energy to play as well as I did when I could lock myself in a practice room for six hours a day. And other charms vie for my attention—among them, all the books I should have read in school when I was perfecting those cymbal crashes instead. Now that my new instrument's novelty has worn off, occasionally I'll go several days without playing it, only to find it staring at me accusingly from across the apartment. It's nice to feel guilty again when I don't practice.

I love journalism now, too, so I don't regret giving up my career in music. But whenever I remember the thrill of concerts, I can't help pondering what might have been; and when she isn't advising the leader of the free world, I imagine Ms. Rice does the same. Life carries us into one future and forecloses all others. Yet even amid new attachments and obligations, it's possible to keep alive the old devotions that make us whole. At least that's the kind of thought that comes to me when I go home at night to my vibe, and forget about the news, and lose myself in a sweet, simple song.

Lee Bockhorn

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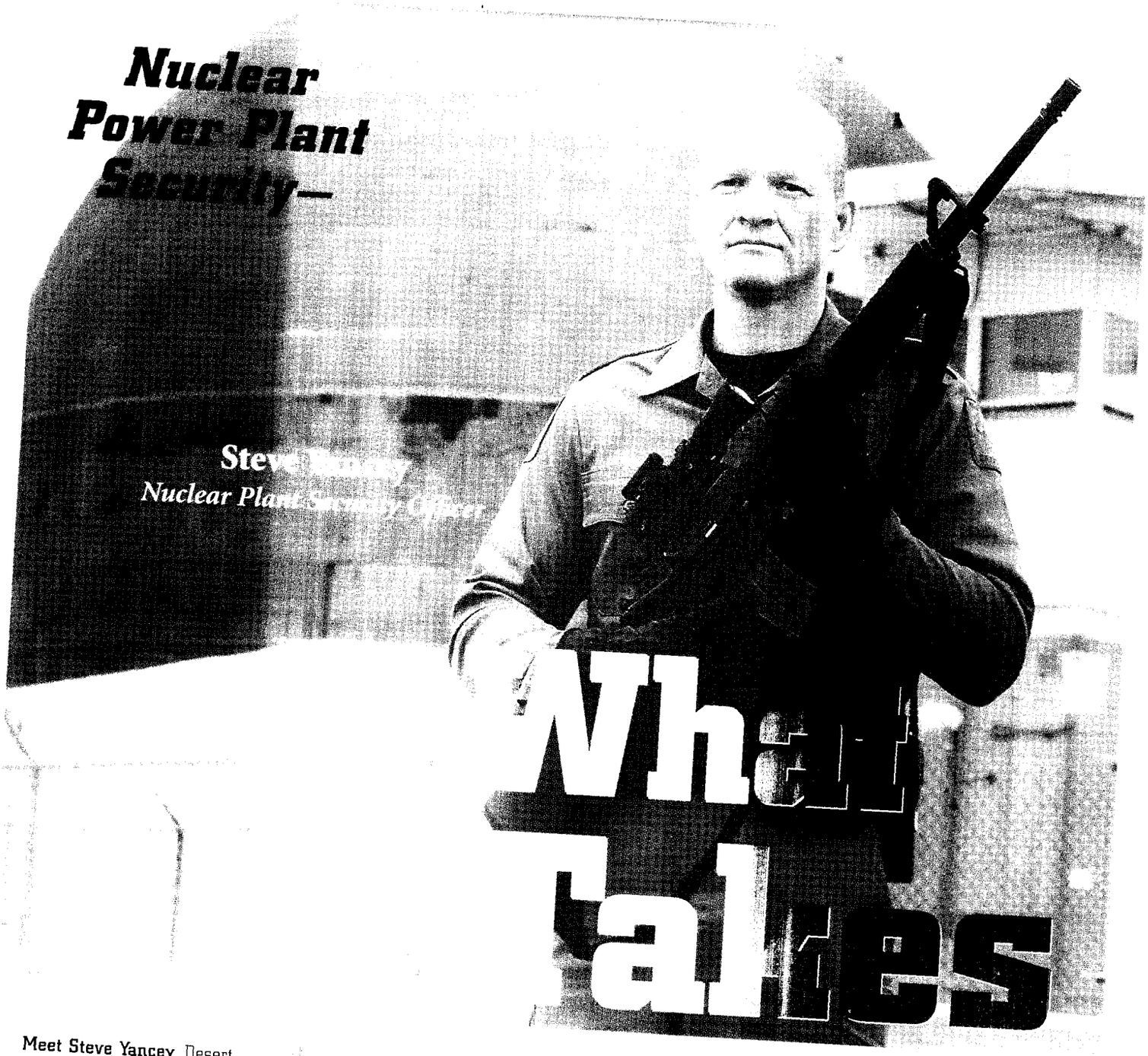

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The Bush Era

"At State, Powell and others were alarmed by the Wolfowitz drumbeat," the *Washington Post*'s Bob Woodward reports in his series on the early days of the war on terrorism. "At the end of one early meeting of Bush's war cabinet, during which Rumsfeld had raised Iraq as a potential target, Powell approached Shelton and rolled his eyes. . . . 'What the hell, what are these guys thinking about?' asked Powell."

In the days following President Bush's historic "Axis of Evil" speech, eyeballs were rolling up and down the New York-Washington corridor and in every European capital. Not since Ronald Reagan upended U.S.-Soviet détente for a policy of unilateral arms buildup and ideological confrontation has an American president so boldly flouted the foreign policy establishment's conventional wisdom. By declaring a new "Axis of Evil" comprising brutal dictatorships with far-advanced programs to build weapons of mass destruction, Bush has charted the course of an expansive new American foreign policy, a paradigm shift equal to the inauguration of anti-Communist containment more than a half century ago. He has taken the war on terrorism beyond a police action to round up the perpetrators of the September 11 attack, and transformed it into a campaign to uproot dangerous tyrannies and encourage democracy, making the world much safer for free peoples.

In doing so, Bush violated every rule in the establishment's book. He neglected to mention either the United Nations or the Middle East "peace process." Indeed, in his only reference to the Middle East, he reversed decades of American indifference to the peoples of the Arab and Islamic worlds, proclaiming that "America will take the side of brave men and women" who support the principles of liberty and justice around the world, "including the Islamic world." It is now time, Bush suggests, for America to assist all people who hope to enjoy rights and liberties that Americans and Europeans take for granted.

Other establishment conceits went out the window, too. By including Iran and North Korea with Iraq in the "Axis," President Bush took on the myth, so cherished in Europe and in some American quarters, that we should collaborate with today's Iranian regime, and never mind its weapons of mass destruction and arms shipments to West Bank terrorists. People are fretting about the president's calling the Iranian regime "evil," just as they fretted when Reagan called the Soviet Union "evil." But contrary to what purveyors of conventional wisdom assert, this will not discourage those Iranians who seek freedom. To the contrary, the president emphasized that "an unelected few repress the Iranian people's hope for freedom." The Iranian people know that their rulers are evil and will be encouraged, just as Soviet dissidents were, by hearing an American president tell the truth.

So many hard and important truths in one presidential address. We hope and trust the president and his trusted lieutenants are ready for the establishment backlash. And we wonder how long it will take for that establishment to accommodate itself to the realities of the Bush era.

That great fountainhead of the conventional wisdom, the *New York Times* editorial page, instantly expressed alarm and discomfort that "the application of power and intimidation has returned to the forefront of American foreign policy." The *Times* managed to bring up the Vietnam War twice, to underline their warning against the "promiscuous" use of military power. Meanwhile, assorted low-level officials from the Clinton administration complain that the president has overstated the threat and underestimated the difficulties of backing up his words with deeds. Then there are our European friends, whose fear of the "hyperpower" seems to be matched only by their disregard for the dangers Americans—and Europeans—still face. France's *Le Monde* actually asks, "Is the threat as pressing as all that?"

The answer is yes. As the president said Tuesday night, the danger is growing and "time is not on our side." Bush deserves enormous credit for grasping not simply the essential tasks in the war we now fight, but also the urgency of accomplishing them. He seems to have thought more profoundly about the lessons of September 11 than the foreign policy establishment and the political elites of Europe or even of our own country. Indeed he seems to understand the requirements of the situation better than some in his own administration. He understands that failing to act decisively—and if need be preemptively—against the nexus (or call it the axis) of terrorism and weapons of mass destruction will leave this country and its friends in increasing and unacceptable peril. The president knows what he has to do. We're confident he will do it. And we're certain he'll have the support of freedom-loving people here and around the world. Even the nervous nellies of the establishment, we suspect, will end up applauding.

—Robert Kagan and William Kristol

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Judy Genshaft's Ordeal

Could be, back a year and a half ago, when Judy Genshaft was being recruited for the presidency of the University of South Florida, they simply forgot to mention it. You know: that Palestinian computer scientist fellow over in the College of Engineering. The one who had certain, oh, issues, let's call them. Issues that occasionally required the attention of campus, municipal, state, federal, and foreign law enforcement officers. Issues that, just maybe, involved mysterious international money transfers and big explosions going off at crowded bus stops. Probably would have been helpful to know about such stuff in advance.

Whatever. Judy Genshaft took the job. And she had every reason to think it a plum. Already a distinguished educational psychologist and college administrator, she now would assume leadership of the second largest university in the southeastern United States at the very moment when it seemed finally ready to start *mattering*. USF's undergraduate divisions were turning away qualified applicants. Its graduate programs were achieving unprecedented recognition. The future looked bright. Fourteen months later, Genshaft having made an unusually speedy personal mark on her campus, the university's future still looked bright.

Then, on September 26, two weeks after the World Trade Center and Pentagon atrocities, that Palestinian computer scientist fellow showed up on national television, and everything went straight to hell. There was Sami Al-Arian on the Fox News Channel's *O'Reilly Factor*, identified as a "University of South Florida professor," stammering about rough treatment by the show's host. Who, characteristically sharkish, was plowing forward with questions about, well, some things in the professor's past. Like that Al-Arian had once arranged an adjunct faculty position at USF for a man who later turned out to be secretary general of the Palestinian Islamic Jihad. And that Al-Arian himself had been captured on videotape delivering a speech on the righteousness of jihad, "Victory to Islam!" and "Death to Israel!" and so forth. Al-Arian wanted these words understood "in context" and claimed to have been "shocked" when his former colleague emerged as one of the world's leading terrorists. But Bill O'Reilly was unimpressed and told his viewers there was "something wrong down there at the University of South Florida."

Consequently, something really was wrong down there—the very next day. USF's telephone and computer systems were jammed with hundreds of angry calls and e-mail messages. The College of Engineering received an apparently credible death threat against Al-Arian, the first of 12, forcing the school to close. And, given the consensus of Tampa-area police departments that they would otherwise confront a grave public safety risk, university administrators—with his concurrence—placed Al-Arian on a paid leave of absence.

But things didn't work out. Almost immediately, Al-Arian started complaining about his exile. Hardly a week went by before he ignored its terms, at least as the university understood them, popping up on campus for a meeting with Muslim students. And hardly a day went by thereafter when Al-Arian and his friends failed to tell some reporter that USF's efforts to protect him from assassination were in fact, instead, an assault on free expression—a penalty for his advocacy of controversial ideas. All of which intensified the very crisis the university had been trying to quell. By mid-December, school administrators, under attack from two directions, were spending half their time dealing with a single professor's sudden notoriety. And relevant law enforcement agencies were still unable to offer any guarantee—should that professor be allowed to resume teaching—that the safety of students, faculty, or staff would be secure. In short, a continuing fiasco.

So on December 19, the USF Board of Trustees voted 12-1 to recommend that Sami Al-Arian be fired—for activities "outside the scope of his employment" constituting "adverse impact on the legitimate interests of the university." Judy Genshaft then informed Al-Arian that she intended to follow this advice.

It is no exaggeration to say that Genshaft has since been crucified, coast to coast, as a traitor to the academy and a threat to the First Amendment.

Her faculty senate has formally refused to offer support for any pending action against Al-Arian. USF's faculty union has formally rebuked Genshaft for her willingness to "censor academic speech." Union president and professor of philosophy Roy Weatherford calls Genshaft's behavior "manifestly repugnant to the academic profession and the world community." And the world community hasn't contradicted him. Muslim groups have accused Genshaft of bigotry. The ACLU has warned it might sue. The American Association of University Professors has notified Genshaft that it is "maintaining a close watch" lest she make any further encroachments on "academic freedom."

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And the media have been brutal. Editorial pages in the immediate Tampa-St. Petersburg area are a notable exception, of course. But what do they know? The rest of American journalism has the matter firmly in hand: Judy Genshaft wears the black hat, simple as that. Genshaft's complaints against Sami Al-Arian are "groundless," according to the *New York Times*. And her willingness to pursue those complaints, the *Times* continues, represents a "betrayal" of academic protocol so grave as to "dishonor the ideals of public universities" generally.

Actually, no. Actually, Judy Genshaft has conducted herself more than honorably in the Sami Al-Arian affair. Actually, she has demonstrated what is, in the modern world of university administration, a virtually unexampled degree of high-minded courage—risking reputational suicide in her national news debut so as to safeguard precisely those "ideals" she stands accused of violating. Judy Genshaft's accusers are ill-informed. At best.

Their ritual invocation of the First Amendment, for instance. What nonsense. Supreme Court cases dating to *Pickering* v. *Board of Education* in 1968 make clear that when a public employee's interest in public debate about public matters is "outweighed by any injury the speech could cause" to his employer's performance of public duties, then the First Amendment does not apply. This is true even when the employee in question is a tenured faculty member, like Sami Al-Arian, at a state university, like USF. So long as the school reasonably fears the professor's speech will disrupt its essential operations, it may move against him. And the First Amendment will stand aside.

Evidence of Sami Al-Arian's disruption is overwhelming, of course—quite apart from the death threats. USF's alumni are enraged. Donations are drying up. The school's lawyers and telephone operators are overwhelmed. With no end in sight. All because of outside hostility Al-Arian alone has engendered. No university ever wants to make academic decisions in response to external pressure like this. When it feels forced to, however, the fact remains, like it or not, that the Constitution is undisturbed.

Then there is the question of Sami Al-Arian's identity. Judy Genshaft's critics proceed from the assumption that suspicions about Al-Arian's connection to terrorism are tenuous—at best. Roy Weatherford, the philosophy professor, a specialist in epistemology, says that were it true Al-Arian had terrorist associations, then they could "line him up and shoot him for all I care." But Weatherford hasn't seen the proof. So Weatherford, no doubt by virtue of his investigations into the limits of human knowledge, figures his ignorance of a thing means that thing cannot exist—that he is free to write off this terrorism business as a total fantasy projected by "right-wing yahoos."

Perhaps he has skipped a step somewhere? Perhaps, indeed, he has skipped over Sami Al-Arian's history entirely. Which history is rather unsettling, as even an abbreviated summary should make plain.

Al-Arian arrived at USF in 1986 and promptly founded two (now defunct) organizations: an off-campus "charity" called the Islamic Committee for Palestine and a "think tank" called the World and Islam Studies Enterprise, which eventually became affiliated with the university. ICP and WISE had overlapping senior officers. There was Bashir Nafi, now known to be among the original founders of Palestinian Islamic Jihad. There was Khalil Shikaki, brother of that terrorist group's then secretary general. And there was Ramadan Abdullah Shallah, who would soon relocate to Syria and succeed Shikaki's brother as jihadist-in-chief.

ICP, in particular, barely attempted to conceal its nature. An ICP magazine, *Al-Mujahid*, baldly announced itself a "publication produced by the Islamic Jihad movement in Palestine" and ran the group's logo on its front page. Attending a rally in Cleveland around this time, Al-Arian was introduced as head of "the active arm of the Islamic Jihad movement in Palestine." They "like to call it the Islamic Committee for Palestine here for security reasons," his host explained. But it's a means to "donate to the Islamic Jihad." So "if you write a check, write it for the Islamic Committee for Palestine: ICP."

There is a handwritten letter Al-Arian wrote in 1995 asking for financial contributions "so that operations such as these can continue"—referring to a recent bombing in Israel that had killed 22 civilians. And there is a great deal more such evidence publicly available about Al-Arian's past. But isn't this enough?

More than enough, we think, to settle any doubt about what genuine guardianship of academic freedom entails in the present circumstance. It is a species of insanity for USF faculty members, in the name of academic freedom, to link themselves with Sami Al-Arian. Does Roy Weatherford really mean to suggest that the City of Intellection will be leveled unless he and his colleagues can sit down in the cafeteria with a man who raises money for the Palestinian Islamic Jihad? Is the desirability of murdering Jewish people the sort of "idea" university tenure is designed to protect? And what if the great unwashed become persuaded, however mistakenly, that university tenure *does* have something to do with the likes of Sami Al-Arian? What possible benefit does Weatherford imagine will then accrue to the cause of academic freedom at state-funded institutions?

He might want to think about these questions a tiny bit harder. He and the rest of Judy Genshaft's hecklers might want to think about, dare we say it, the distinction between good and evil, as well. "If Mr. Al-Arian were a moderate receiving threats from militant Muslims, there is little doubt that the university would stand up for him," snorts the *New York Times*. Isn't that the point, though? Free thought demands protection from exposure to, and pollution by, an antithetical force like organized terror. Judy Genshaft understands. How come nobody else does?

—*David Tell*

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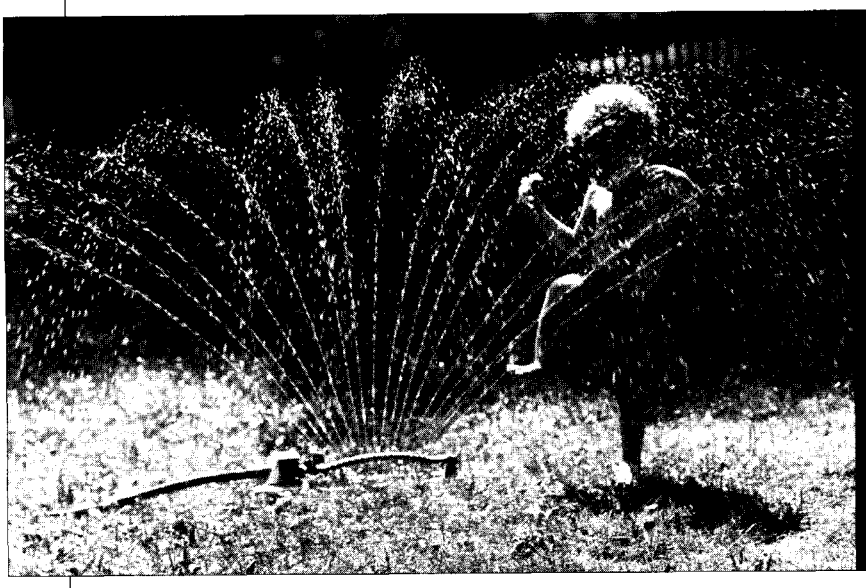

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The Reemerging Republican Majority

Will Bush's popularity transform his party?

BY DAVID BROOKS

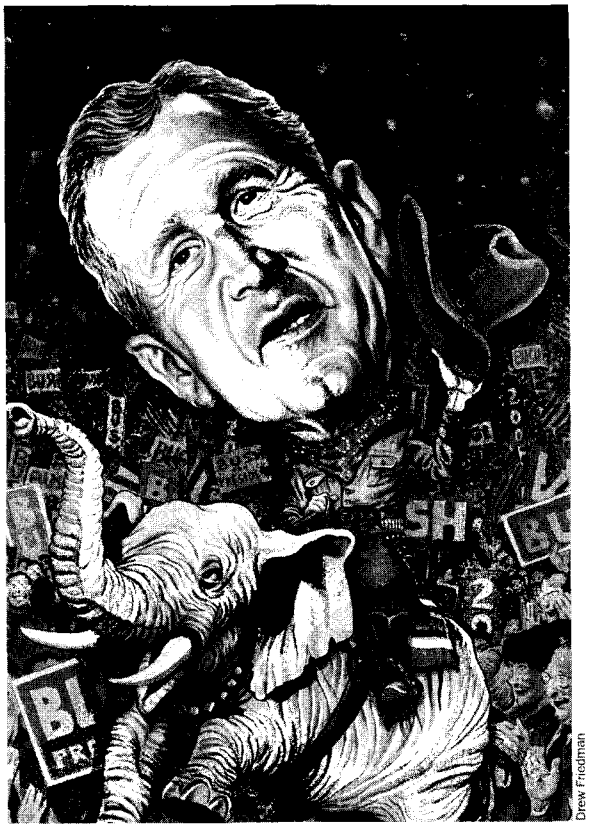
GEORGE BUSH has probably spent less time thinking about electoral politics over the past four months than any president has over a comparable period since the end of World War II. And what is the result of this benign neglect? The Republican party is, for the moment, in fantastic political shape.

• The president's approval rating remains above 80 percent. There have been several "rally round the flag" surges in presidential popularity since Pearl Harbor, and usually the ratings start drifting downward after around seven weeks. Bush's surge, so far, has lasted three times as long. That's astounding.

• Voters trust Republicans more than Democrats on issue after issue. A year ago, the issue map looked poisonous for the GOP. Now 49 percent of Americans say the Republicans will do a better job of keeping America prosperous, against only 32 percent who say the Democrats will. According to a Battleground Poll, voters prefer Republicans on foreign affairs by 57 percent to 26 percent. They think Republicans are better equipped to fight terrorism by 60 percent to 15 percent. Republicans and Democrats are trusted equally to improve education, an issue Democrats have traditionally dominated.

• Republicans have a 5-point lead when voters are asked which party they would like to see control Congress after the next election.

• According to this most recent Battleground Poll, more people identify themselves as Republicans than Democrats, by 40 percent to 35 percent. The Ipsos-Reid survey found a similar trend toward the Republicans, though from a different starting point. According to Ipsos-Reid, Democrats had a 9-point advantage in party ID before September 11, but have only a one-point advantage now.



Drew Friedman

All this could be temporary, a simple war effect. Bush benefits because this is that rare war in which women are more hawkish than men. He benefits also from the education bill he passed with Ted Kennedy, which is quite popular (no matter how little conservatives think of it). And, it should be said, none of this guarantees future electoral success. In 1942, after all, FDR was riding a war wave, and he still lost big in the congressional elections.

Yet, despite all these caveats, this is clearly a remarkable political moment. At the very least, it presents a huge opportunity to solidify these gains and create a governing Republican majority. And in his State of the Union address Bush demonstrated that he understands, or at least has stumbled into, exactly how to do it.

Divide the State of the Union speech into three sections. The first was the "axis of evil" section. The second was the domestic policy section. The third was the citizenship/ USA Freedom Corps section. That middle part was orthodox Republicanism circa 1999. The ideas are familiar: tax cuts, free trade, welfare reform, patients' bill of rights. If you take that section and compare it to Dick Gephardt's response (which, despite some shadings, was a pretty orthodox Democratic statement of principles), you have a good summary of the Republican vs. Democratic debate over the past ten years. This is the debate that led to tied elections in 1998 and 2000 and to World War I-style partisan trench warfare in Washington, featuring lots of bile but very little movement.

But in the first and final thirds of his State of the Union speech, Bush expanded the Republican message and showed the way toward a new majority. In those sections Bush echoed precisely the aggressive foreign policy and patriotic national service themes that John McCain struck in the 2000 primary season, and

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which appealed so powerfully to independents.

During the campaign McCain called for rogue-state rollback—toppling regimes such as Iraq, Iran, and North Korea. He called for an ambitious mission to spread democracy around the globe. He embraced nation-building. Now Bush is for those things too. Domestically, McCain issued a summons to national service, asking young people to serve a call larger than self-interest. That was the language Bush used in the State of the Union in announcing his expansion of AmeriCorps. Bush's program is smaller and slightly more liberal than the McCain-Bayh proposal now before the Senate. Bush would expand the Peace Corps, and his plan has no military component, whereas McCain-Bayh has a large military component and would make national service more like serving in the Army. Still, Bush has gone some way toward melding McCain's calls for national service with his own calls for compassionate conservatism.

There's a reason the former McCainiacs were exhilarated by the State of the Union address—especially the foreign policy part—whereas some other conservatives, such as the globally cautious Robert Novak, appeared less so. Politically the possibility is this: If you take the traditional Bush Red America base, and you take the regions where McCain did best, in the suburbs of the coasts and of the upper Midwest, then meld those two voting blocs into a single coalition, Bingo! You've got your governing majority.

Now, if this strategy is going to succeed, the Bush strategists must first convince themselves that this is not what they are doing. A couple of members of the administration would rather lose the next election than admit that they are borrowing themes from the Arizona showboat. Nonetheless, the events of September 11 have shaken the political landscape and so made it possible for the Bushian lion to lie down with the McCainiac lamb (or vice versa)—at least on a policy level, if not on a personal level.

President Bush has broken the libertarian grip on the GOP. (Not only did he call for a grand foreign policy mission, he called for expanding Head Start and liberalizing welfare benefits for immigrants.) But there is still some way to go if he is to win over the independent voters from Purple America (the ones who are halfway between Red and Blue). The final McCainiac initiatives that Bush has not yet co-opted have to do with reform.

Bush has already indicated he will sign the McCain-Feingold campaign finance reform bill if it should come to his desk. But an idea that would have a much more positive effect on the country is capital market reform. Enron has the Bush administration acting defensively, but it could spur a great conservative reform agenda that draws on both McCainiac and Bushian impulses. This would involve pushing through accounting and financial disclosure regulations that would make it possible for small stockholders and entrepreneurs to have faith that they can compete fairly in the financial markets. Such reforms, starting with the ones Arthur Levitt has proposed, would give the markets the credibility that is a prerequisite if Social Security privatization is ever to see the light of day.

If the Bush administration ever wends its way to a reform agenda, if it champions a national service initiative that has both military and faith-based components, if, most important, it prosecutes the war against the axis of evil, then President Bush and his aides will not only have done great things for America, they will have laid the groundwork for a governing Republican majority. And George Bush will have established himself, with FDR and Reagan, as one of the great transformational presidents of the age. ♦

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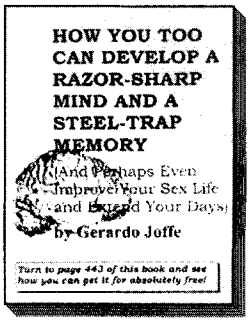

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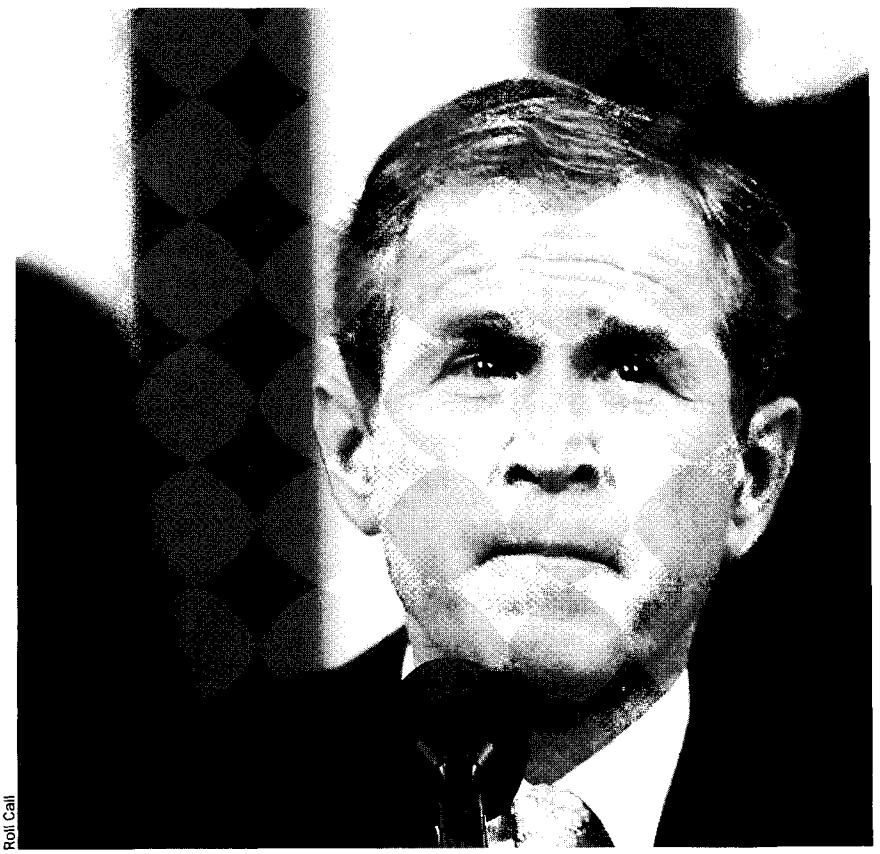
A President in Full

As a full-blown war president, Bush hits his stride. BY FRED BARNES



Roll Call

PRESIDENT BUSH isn't flummoxed anymore. He talks with self-assurance, in private and public, about foreign leaders, whether they should be taken seriously, precisely how their countries fit into his plans for making the world safe for America. He chuckles about transparent efforts by Prince Abdullah of Saudi Arabia to placate, through newspaper interviews, the American public's animosity toward his country. He's concluded both Saudi Arabia and Egypt aren't critical to America's strategy in the world, and says so. In his State of the Union speech last week, the president left Syria out of the "axis of evil," figuring President Bashar Assad is so fearful of U.S. power he may rid Syria of terrorists on his own. On domestic matters, Bush's views are settled. Give Congress a list of energy company officials who conferred with Vice President Dick Cheney? He's more adamant than Cheney in rejecting that idea. Let polls influence his war policies? "I don't care about polls," Bush says.

That's easy to say when your poll numbers are as high as Bush's. But popularity has its benefits. It's given Bush the luxury of defining his presidency, deciding exactly what he wants it to be about. And now we know: It's about war and security and sustaining the spirit of America produced by the September 11 terrorist attacks. Bush is ready to be judged, up or down, on how well he thwarts America's enemies. Sure, he mentioned several dozen domestic issues in his State of the Union speech. But he did so fleetingly, reflecting how concerned he is about them. Not very. What matters most is "how he handles both fronts of this war, the international one, the one at home," says adviser Karl Rove. "The international is the one that's more important now."

Bush's extraordinary first year in the White House culminates in his emergence as a full-blown war president. He began as a more conservative and populist copy of his father, President George H.W. Bush. What James Fallows once wrote about President Jimmy Carter could have been said about Bush: He had 50 ideas, but no one idea. September 11 may not have changed him, but it transformed his presidency. Now it's about one thing, the war. As Isaiah Berlin would put it, he's a hedgehog, not a fox. He's grown more and more like another president, Ronald Reagan. Reagan, too, had one big idea: defeating communism. For him and for Bush, everything was subordinated to a single goal.

A prominent feature now of Bush's governing style is presidential power, exercised baldly, boldly, and worldwide. More than ever, he's convinced his manner of dealing with allies is correct. He informs them of what he's planning to do and invites them to come along. He doesn't negotiate over strategy. This contrasts with the style of President Bill Clinton, who talked to allies about a problem and asked their opinion on what to do. At home, it's the same. Bush pays minimal attention to congressional input on the war. He believes Congress has no business asking for the names of outsiders who consulted on his energy policy. He didn't hesitate to give recess appointments to two nominees, Otto Reich and Eugene Scalia.

Inside the administration, Bush relies far more on his own instincts. The State of the Union speech, with its call to widening the war and emphasis on America's continuing

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vulnerability, was total Bush. Substantively, he got exactly what he sought from his speechwriters. The only change he required was in the speech's structure. As Michael Gordon wrote in the *New York Times*, the State of the Union speech could not have been drafted at Colin Powell's State Department. And as Daniel Henninger wrote in the *Wall Street Journal*, there "isn't a single Democrat holding elective office now who would have spoken those lines." Not many Republicans either. The only adviser who might have steered Bush toward a more conciliatory approach was Cheney, and he didn't try.

As a war president, Bush won't engage in public dogfights with Democrats. True, the Bush administration will, but not with the president out front. Instead, he's tried to seize the mantle of bipartisanship and has largely succeeded. "Is he down there talking on the same level as [Senate Majority Leader Tom] Daschle?" a White House aide said. "No." In last week's speech, Bush went out of his way to laud two Democrats, Sen. Ted Kennedy and Rep. George Miller of California, for working with him on the education reform bill. And when Bush takes a position most Democrats oppose, he'll lure as many renegade Democrats as he can and then claim he's being bipartisan.

The bipartisan posture fits perfectly with the theme of the last third of Bush's speech, the part that Bush himself thought was the most important. The theme was the "unique moment of opportunity" for the country that September 11 brought about. "We must not let this moment pass," he said. The "true character of this country" emerged, he said. "It was as if we looked into a mirror and saw our better selves. . . . We have glimpsed what a new culture of responsibility could look like." Bush talked of selflessness and public service and spreading American values around the world. He sounded a bit ethereal. But he touched on what most Americans like about post-9/11 America and hope to keep alive. ♦

Sheila Jackson Lee, Limousine Liberal

Does she not know the ethics rules, or just think they don't apply to her? BY SAM DEALEY

When Sheila Jackson Lee first came to Washington in January 1995, the Texas Democrat railed against the Capitol's silk-stockinged elite. "The American people want reform, not phony but real reform," she said in her debut House speech. "They want to know that the days of free meals and free trips and special privileges are over. . . . As Members of Congress, we should not be using public office for private gain."

How times change.

It's about 200 paces from the awning of Jackson Lee's Capitol Hill apartment to the marbled steps of the Cannon House Office Building, where her office is. Most people think the walk is a pleasant one. Red-brick townhouses give onto tree-lined streets; crossing guards ensure no one is run over. It's the kind of neighborhood where you might expect to find the Republican party's headquarters—and do. They're right next door to Jackson Lee's building. In a city that consistently ranks among the nation's worst for commuting, Jackson Lee would seem to have it made.

But apparently it's not convenient enough. Jackson Lee is routinely chauffeured the one short block to work—in a government car, by a member of her staff, at the taxpayers' expense. And apparently in violation of House rules.

As Jackson Lee noted on her first day in Congress, the use of public funds for private ends is a major no-no, and the political graveyard is strewn with officials who forgot that. In 1991, John Sununu stepped down as President Bush's chief of staff after a series of gaffes involving subsidized transportation, the final one being a limousine stop at Christie's in New York to look at rare stamps. In 1994, top Clinton aide David Watkins was forced to resign after a picture caught him using the president's helicopter for a golf outing. And then there's the case of former House Ways and Means chairman Dan Rostenkowski, who was charged with widespread malfeasance, including the use of government staffers and cars to routinely run errands.

In 1997 a federal appeals court dismissed these latter charges against the Chicago Democrat on the grounds that the line between "official" and "unofficial" use of public employees and cars is blurry. But the obvious fat-cat implications in these and other cases have led the various branches of government to define the scope of official travel more narrowly. None is more strict than the House of Representatives.

According to the Congressional Handbook, the bible of dos and don'ts for House offices, "commuting expenses are not reimbursable." These costs are defined as "transportation expenses incurred by the Member or employees between their residence and duty station." A spokesman for the Committee on House Administration confirms that the use of a government-leased vehicle for commuting purposes and the use of a public employee as a driver are both violations of House rules. Of course, every lawmaker is expected to know the Congressional Handbook. But Jackson Lee was also provided a copy of these guidelines when her

Sam Dealey is a writer in Washington.

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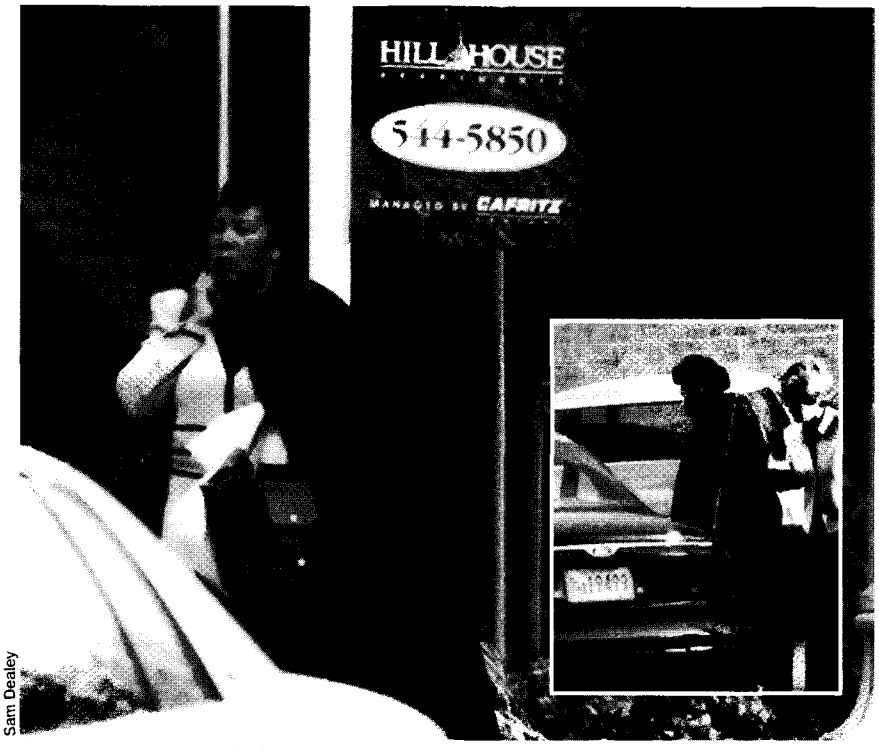

Sam Dealey

Sheila Jackson Lee, commuting in a government car.

office leased the car that she rides in to work.

Should the House Ethics committee pursue the matter, the Congressional Handbook states Jackson Lee could be "personally liable for payments under any lease not in compliance with House Rules and Committee regulations." These expenses include not just the cost of the lease, paid for from her office allowance, but maintenance and fuel, for which she is also reimbursed.

Jackson Lee declined comment for this story, but when the alternative weekly *Houston Press* raised similar issues in 1997, she said: "Anything my staff does in my office is pursuant to congressional rules . . . [and] whatever staff does is pursuant to congressional business."

The rules do provide some leniency. Non-governmental use of a public vehicle is allowed if it is "during the course of and generally along the route of a day's official itinerary; incidental to the day's official and representational business; de minimis in nature, frequency, and time consumed," and if it "does not otherwise constitute a significant activity or event." But on any given day, driving Miss Sheila to work is *always* a significant activity or event.

Or so at least I was told a few weeks ago by an outraged member of Congress, who himself manages to walk to work and noticed Jackson Lee's commuting habits. They're easy to notice.

Take, for example, the morning of December 6, a balmy Thursday when the temperature in Washington would climb to 73 degrees. At 8:43, a blue Ford Contour with government plates—the car Jackson Lee's office has leased—pulled up to her building. For the next 23 minutes, the aide impeded traffic on one of Capitol Hill's busiest streets, pulling in and out of alleys and reserved parking spaces. Finally, at 9:06, Jackson Lee appeared.

The aide jumped from the car and hurried to help the congresswoman. First she opened the rear door so Jackson Lee could deposit a bag and sheaf of papers; then she opened the passenger door. But Jackson Lee took this opportunity to place a phone call, and the aide stood patiently by. After a minute or so of this, Jackson Lee determined she was ready to climb in. But something was wrong. An uncomfortable moment passed as the congresswoman and aide stared at each other. Of course! Jackson Lee's coat and shawl were still on!

The aide sprang to remove the garments, and Jackson Lee gave an exasperated look. After Jackson Lee climbed in, the aide gently closed the door, scurried around the rear of the car to the driver's seat, and they were off to the office, a block away. It was such a short trip, Jackson Lee didn't even bother to fasten her seatbelt.

On December 12, on the other hand, Jackson Lee was in a hurry. She shot out of her building at 9:10 (the car and driver had idled for 22 minutes), ignored a well-wisher on the street, and jumped into the car as it executed a harrowing five-point turn. With hazard lights flashing, the car then ran two red lights. While lawmakers are generally allowed to flout traffic laws to get to the Capitol if a vote is in progress, on this day the first vote wasn't for another hour.

The next day, I asked Jackson Lee's driver about the possible ethics violations of using a government car for commuting. The aide declined to comment and instead flagged down a Capitol Hill police officer to report that her boss was being "stalked" and that Jackson Lee "feels very threatened."

Vanity and a sense of victimhood are handmaidens to Jackson Lee when traveling. Just ask Continental Airlines, her hometown carrier.

For years, Jackson Lee tormented the airline's office in Washington that handles VIP booking. When Congress was in session, her staff would make several reservations early in the week for return flights to Houston. After the House finished its business that week, she would grab whichever flight was most convenient and scrap the others. But this kind of rule-bending put the carrier in a difficult position. Not only was Jackson Lee only paying coach fare (she was routinely bumped up to first class), but

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Continental was unable to sell the premier seats she didn't use.

Meanwhile, airline crew regularly complained about Jackson Lee's rudeness. Continental managers, however, feared reprisal and saw little they could do. "After medicine, airlines are the most heavily regulated industry in the United States," says a lobbyist for a Texas-based carrier. "Every airline feels they have to kiss up to Congress; they always feel their livelihood is in Congress's hands."

But in February 1998, things finally came to a head. On a flight home to Houston, Jackson Lee became enraged when flight attendants failed to produce the seafood special she liked. "Don't you know who I am?" she reportedly thundered. "I'm Congresswoman Sheila Jackson Lee. Where is my seafood meal? I know it was ordered!"

That outburst prompted a phone call to Jackson Lee from Rebecca Cox, vice president of Continental's government affairs office in Washington and the wife of California Republican Chris Cox. The message? Straighten up and fly right, or don't fly with us.

Cox did not return calls seeking comment, but a member of Jackson Lee's staff who fielded the call remembered Cox saying, "[Jackson Lee] screamed at the top of her lungs at least a minute. She embarrassed the flight attendants and the passengers in first class. And she embarrassed herself." Cox then joked, "We have already given her the Delta Airlines schedule."

Jackson Lee got back on board with Continental, but not for long. In May 1999, as Continental flight 1961 prepared to leave Reagan National Airport in Washington, Jackson Lee became flustered when she couldn't find her purse. Thinking she had left it in the boarding area, she went back to search for it. Meanwhile, the plane pulled away from the gate. Moments later, her purse was found onboard. According to aviation lobbyists at the time, Jackson Lee demanded that she be let back on the flight. Airline employees explained that FAA rules prohibit planes from returning to the gate once they've taxied away, but Jackson Lee was unconvinced. She accused the gate staff of racism and demanded to see their supervisor, who was a black woman. Her purse, meanwhile, was unceremoniously dropped out of the cockpit window and ferried back to her.

A year earlier, at a March 2, 1998, reenactment of the march on Selma, an irate Jackson Lee called her scheduler in D.C. demanding to know why she hadn't been given a ride to the event by the organizer, as a white colleague had been. According to the aide—who quit after just a month and a half on the job—Jackson Lee shrieked, "You don't understand. I am a queen, and I demand to be treated like a queen."

It will come as no surprise to learn that Jackson Lee is regarded as one of the most difficult members of Congress for whom to work. House records show that her office has bled staff, losing at least 85 full-time employees since 1995. In addition to schedulers, executive assistants, and "travel aides," she has run through 13 chiefs of staff and legislative directors, generally a congressional office's top two positions. By comparison, Rep. Mark Foley, an active and visible Florida Republican who entered with Jackson Lee in 1995, has lost 17 employees over the same period.

Despite her well-publicized flaps, Jackson Lee shows no signs of mending her ways. When her December 6 flight to Houston was unexpectedly diverted to an alternate gate, for example, a fellow passenger says the congresswoman was on the phone in a matter of seconds after deplaning, berating a staffer who was to pick her up for not anticipating the change. Indeed, soon after the FAA issued emergency regulations in the wake of September 11 prohibiting anyone but ticketed passengers in the gate area, aviation sources say Jackson Lee's office placed "multiple phone calls" to the agency demanding a special exemption for her entourage. The request was denied.

It seems to have taken a national emergency for someone finally to say no to Queen Sheila. ♦

About Those Detainees . . .

The administration's legal reasoning is open to question (but closed to scrutiny). BY TOD LINDBERG

TO DATE, THE BUSH administration's handling of the war has been superb. Its handling of the law of war has not. From the president's November 13 Military Order —calling for trial by military commission of certain non-citizens accused of terrorist activities—to the current dispute over the legal status of detainees at Guantanamo, the administration has drawn sustained criticism from civil rights and humanitarian organizations for its handling, proposed or actual, of those caught in the terrorist net the U.S. military has so effectively spread.

There is a sense in which humanitarian and civil rights groups exist in order not to be satisfied. And the administration's supporters, of whom there are many, have risen to denounce the attackers. But while the ACLU and Human Rights Watch are never going to be friends of the Bush team, their animus doesn't automati-

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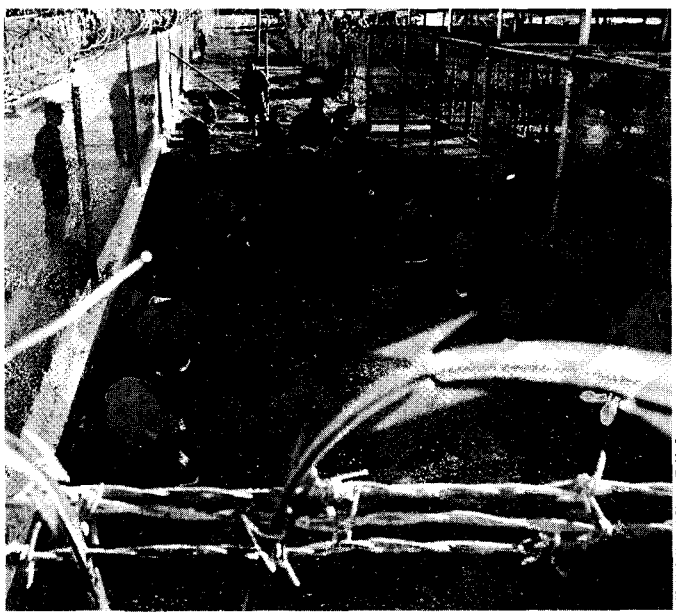
cally make their legal arguments specious. As it happens, the administration has made a telling moral and political argument that the al Qaeda and Taliban detainees in Cuba are receiving the treatment they deserve. But legally, while it may have a plausible argument, the administration hasn't bothered to make it.

What does the Justice Department have to say about the detainees and their status under U.S. treaty law and so-called customary international law? Justice's Office of Legal Counsel is in charge of providing authoritative answers to the U.S. government on legal questions. A department spokesman told me OLC has opined on the matter, but the department refuses to release the memorandum or discuss its contents. To be sure, many OLC memoranda never get published. But the last one posted on the Justice Department website on any subject is from September 2000, i.e., during the Clinton administration. And the question of the legal status of the detainees is, after all, a matter of some public interest. Why the secrecy? Law isn't spycraft.

The essential substantive question is whether the detainees in Cuba merit the status of "prisoners of war" under the provisions of the third Geneva Convention of 1949. The administration says absolutely not, there is no doubt whatsoever that they do not qualify for prisoner status and are, instead, "unlawful combatants." The certitude the administration has expressed is of critical importance, because in case of "any doubt," according to Article 5 of the convention, the detainees are entitled to a finding on the question by a "competent tribunal" as well as to be treated as POWs until that finding is made. The U.S. government isn't convening any such tribunals.

Whence comes the certitude? It's hard to know with, well, certainty, given the secrecy of the legal briefs, but comments by administration officials suggest that the detainees are members of organizations—al Qaeda and the Taliban—that the administration does not regard as armed forces for purposes of the treaty. Nor do they meet the Article 4 criteria for granting POW protections to members of militias and volunteer corps, namely: "(a) that of being commanded by a person responsible for his subordinates; (b) that of having a fixed distinctive sign recognizable at a distance; (c) that of carrying arms openly; (d) that of conducting their operations in accordance with the laws and customs of war."



AFP / US Navy / Shane T. McCoy

Al Qaeda and Taliban detainees, January 18, 2002

Commentators such as Lee A. Casey, David B. Rivkin Jr., and Darin R. Bartram, in a Federalist Society paper, argue that regular "armed forces," not just irregulars, must pass all four tests to qualify members for POW protections, and that on the basis of evidence from the public record, neither al Qaeda nor Taliban fighters meet any, let alone all, of these four conditions. Therefore, all members of the two organizations are "unlawful combatants" and can be designated as such simply on the strength of a declaration by a relevant executive branch official. Al Qaeda and the Taliban are outlaw organizations that do not follow the "laws and customs of war," so their members are not protected.

It's a plausible argument, but hardly conclusive. As Kenneth Anderson writes in a forthcoming edition of the *Harvard Journal of Law and Public Policy* devoted to international law and the war, this view "is not persuasive principally for the reason that . . . by any understanding of the international law of war, the United States has and continues to be engaged in armed conflict. It is using its full military machinery to wage war." Under customary international law, the Taliban, at least, are arguably the armed forces of Afghanistan (even if we do not recognize the government) whether they meet the four criteria or not. Why would the Taliban wear "a fixed distinctive sign" if local forces allied with the United States in the conflict (the Northern Alliance) did not? And would the U.S. government really have been satisfied with the designation of its own Special Forces, riding incognito with the Northern Alliance, as unlawful combatants?

The apparent government position is that all local resistance to the U.S. war effort was in principle unlawful. You can take that view. But in previous conflicts, the United States has not. Current military regulations create a presumption of protected status: "All persons taken into custody by U.S. forces will be provided with the protections of the [third Geneva Convention] until some other legal status is determined by competent authority."

It is certainly plausible that a "competent authority" such as the secretary of defense or the president has made a blanket determination that the status of "all persons" is dif-

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ferent in the present war. But doing so essentially means reading the Geneva Convention to include a very flexible and easily asserted opt-out provision, which renders inapplicable all the rest of its protections and procedures.

Does a war against terrorism, a new kind of war, justify or perhaps require such a view? Perhaps it does, but not for many of the reasons most often cited in the administration's defense. It is perfectly lawful under the convention, as Human Rights Watch points out, to question a prisoner of war, to give him privileges if he cooperates (though not to punish him for refusing to offer more than name, rank, and serial number), to prosecute him for war crimes or other crimes, and if convicted by an appropriate tribunal (operating, that is, under the same rules as apply to the members of the armed forces of the detaining power) to put him in prison for life or put him to death.

None of this is to suggest that all the detainees at Guantanamo should be deemed prisoners of war, or even any of them. It's perfectly reasonable to hold that al Qaeda members are unlawful combatants, on the grounds that the very purpose of the organization is to target civilians, among other war crimes. It's less obvious that all Taliban fighters are unlawful, though many of them might be. What is not obvious at all is that any of these conclusions, as applied to detainees in Cuba as well as those in U.S. custody elsewhere, are beyond "any doubt." The language of Article 5, moreover, calls for a hearing whenever there is "any doubt" that a detainee *is* a prisoner of war. This is plainly intended as a threshold protection for detainees, not as a mechanism by which the detaining power can assert that there is "no doubt" that the detainee *is not* a prisoner of war.

All of which suggests that either the detainees deserve a determination of their status by a "competent tribunal," as stated in Article 5, or else the Bush administration owes a competent legal argument for its conclusion to the contrary. So far, there is no public evidence it has one. ♦

Strange Clonefellows

The left-right anti-cloning coalition.

BY WESLEY J. SMITH

A GREAT DEFICIENCY in the media's reporting of debates about public policy is their tendency to reduce messy democratic discourse to a sterile, never-ending face-off between "The Left" and "The Right." One year, The Right launches an offensive and advances a half-mile. The next year, The Left counterattacks and regains the lost ground.

This caricature has certainly dominated the reporting of the debate over human cloning, which is usually portrayed as a contest between religious opponents of abortion and medical researchers striving to benefit humankind. The stereotype was epitomized in a January 17, 2002, *Washington Post* story by science reporter Rick Weiss. Implying that opponents of human cloning are the moral equivalent of the Taliban, Weiss wrote:

> In November, researchers announced that they had made the first human embryo clones, giving immediacy to warnings by religious conservatives and others that science is no longer serving the nation's moral will. At the same time, the United States was fighting a war to free a faraway nation from the grip of religious conservatives who were denounced for imposing their moral code on others.

The *Post* ombudsman gently rebuked Weiss for his "real or perceived bias," but the fact that he made the comparison, and that no editor removed it, is revealing.

In reality, the opponents of human cloning are not so easily categorized. For one thing, they include many secular activists associated with the pro-choice left. Last year, in a lopsided bipartisan vote, the House of Representatives passed the Weldon bill (H. 2505), which would outlaw both research and reproductive human cloning. Among those supporting the ban were 21 House members whose voting records on abortion were at least 75 percent pro-choice as scored by the National Abortion Rights Action League (NARAL).

Now, 68 leftist activists have signed a "Statement in Support of Legislation to Prohibit Cloning." Among them are such notables as activist Jeremy Rifkin, New York University professor Todd Gitlin, novelist Norman Mailer, *Commonweal* editor Margaret O'Brien, Abortion Access Project director Susan Yanow, New Age spiritual leader Matthew Fox, and Judy Norsigian, author of the feminist manifesto *Our Bodies, Ourselves*.

Among arguments against the cloning of human life, these leftists stress the "commercial eugenics" that the new technologies threaten to unleash. They write:

> We are also concerned about the increasing bio-industrialization of life by the scientific community and life science companies and shocked and dismayed that clonal human embryos have been patented and declared to be human "inventions." We oppose efforts to reduce human life and its various parts and processes to the status of mere research tools, manufactured products, commodities, and utilities.

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These are points that conservative opponents of cloning have been making for a long time, with limited effect thanks to the media's obsession with the politics of abortion. That may change, now that some leaders of the American left are becoming fully engaged in the drive to ban human cloning. If it does, the chances of outlawing human cloning will improve dramatically.

Still, the question lingers: Can these strange bedfellows of right and left work closely together for as long as it takes to prevail against a Brave New World? Or, to put it another way, can deep differences over fundamental issues such as abortion be set aside long enough to prevent the threatened flood of human cloning?

Jeremy Rifkin, who led what may have been the first anti-cloning demonstration more than twenty years ago at the First National Conference on Biotechnology, hopes so. While acknowledging that he is "very uncomfortable" working alongside people and groups with whose stances on other issues he profoundly disagrees, Rifkin believes that the struggle to defeat human cloning cuts a broad diagonal across the standard left/right divide. "Cloning pits believers in the 'intrinsic' value of human life against those who measure human life based on its 'utility,'" with conservatives, moderates, and liberals found in both camps, Rifkin says. Moreover, he believes that the cloning debate "will be as pivotal to the morality of the next hundred years as the struggle over slavery was to the Nineteenth Century."

Opponents of human cloning are not far from victory. With the House having passed a strong cloning ban, and President Bush endorsing efforts to outlaw human cloning, the advocates of cloning will make their last stand in the Senate. There, the Brownback bill (S. 1899) to outlaw human cloning, almost identical to the Weldon bill, is being countered by two pseudo-bans. Both the Harkin/Specter bill (S. 1893) and the Feinstein bill (S. 1758) claim to outlaw human "reproductive cloning," but both would explicitly permit cloning for research. In actuality, such proposals would open the floodgates to the cloning of human life, so long as the human embryos created thereby were never implanted in a uterus. Indeed, Feinstein's bill, which senators Clinton, Kennedy, and Boxer are supporting, is radically pro-human cloning. Not only would it permit Big Biotech researchers to clone human life without restriction, it would also *preempt* states from outlawing human cloning in their jurisdictions.

Where is all of this leading? If Brownback is passed, the human cloning agenda will be stopped in its tracks in the United States. That would permit researchers here to focus on uncontroversial and promising research into the development of medical therapies using adult and alternative sources of stem cells. If Brownback fails, or if either Feinstein or Harkin passes, hundreds and even thousands of human clones will soon be manufactured—inevitably leading to reproductive cloning, since there would be no realistic way to prevent some scientist somewhere from implanting a cloned embryo into a woman desiring to give birth to the first human clone. A ban on "reproductive cloning" thus would actually open the door to the very act it purported to prohibit.

"Once we start engineering human life, we will lose our empathy," Rifkin warns, and we will lose "the human equation."

But that would not be the end of it. The human cloning agenda is not limited to medical research or the development of new reproductive technologies. The ultimate goal for many proponents of human cloning is to use clones to model and perfect genetic engineering techniques that would permit scientists to seize control of human evolution.

Clone embryos are deemed superior for this purpose to embryos created through fertilization because the former can be made in large supply, giving scientists many genetically identical embryos on which to experiment. This would make it easier for researchers to learn how to manipulate embryos so as to carry the genetic traits they want to foster. Once this was accomplished, many cell lines could easily be extracted for further research by repeatedly remaking the same clone embryo. Eventually, this technology would be applied to embryos—both natural and cloned—destined for implantation, gestation, and birth. In the end, such practices would permit the new eugenics celebrated by Princeton biologist Lee M. Silver in *Remaking Eden: Cloning and Beyond in a Brave New World*. Embryos could be screened for genotype, leading to genetically modified human beings.

Nothing in the Feinstein or Harkin bill would prohibit such research. This is precisely why Rifkin and many others on the left fervently seek to outlaw all human cloning. "Cloning would permit us to apply engineering standards to procreation. Our children would be selected based on quality controls, production outcomes, efficiency, and utility"—in other words, the values of the assembly line. "Once we start engineering human life, we will lose our empathy," Rifkin warns. "Should that happen, we will have lost the human equation."

This is a compelling argument that people of all political stripes and religious sensibilities may be able to rally around regardless of their differences. If they do, the political struggle against human cloning and eugenics in coming years will be a battle not of left versus right but of right versus wrong, in which those who seem at first sight strange bedfellows strive together to thwart scientific hubris and foster a deeper respect for the intrinsic worth of human life. ♦

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Tony Kushner's Afghanistan

Even an America-hater has his limits.

BY JOHN PODHORETZ

"IT'S THE WORST PLACE on earth," a horrified young British woman says in the course of a new off-Broadway play set in Afghanistan. *Homebody/Kabul* is the work of the American playwright Tony Kushner, who staked a claim in the early 1990s to the mantle of Bertolt Brecht and George Bernard Shaw as a dramatist intending to merge high art and left-wing opinions. "Good politics will produce good aesthetics," Kushner has said. "Really good politics will produce really good aesthetics, and really good aesthetics . . . [will] probably produce truth, which is to say, progressive politics."

Few contemporary writers have risen as quickly to prominence as Kushner, borne to Olympus as he was entirely on the back of the *New York Times* drama critic, Frank Rich. Fewer still have made so little of their prominence. In 1993 and 1994, Kushner won two Tonys and a Pulitzer Prize for his play *Angels in America*, a seven-hour "gay fantasia on national themes," the text of which was basically completed 10 years ago. In the past decade Kushner has produced nothing of consequence. Following the yawns inspired by a short play called *Slavs!* in 1996, Kushner complained: "It's much easier to talk about being gay than it is to talk about being a socialist. People are afraid of socialism."

It's perhaps understandable that people are "afraid" of a political theory that made most of the 20th century a living hell, even though Kushner remains fascinated with it. But it's more likely the audiences that attended *Slavs!* were exhausted by Kushner's re-creation of a college-dormitory bull session about the failure of the Soviet Union. The main characters in *Slavs!* are supposed to be ancient Soviet apparatchiks, but they're really loud-mouthed American fellow travelers sitting in a Greenwich Village coffeehouse blathering at each other about the death of communism.

The blather is instructive, because it reveals the state of the crisis inside Kushner's progressive breast. "What have you to offer now!" bellows a character called "the world's oldest Bolshevik" to Yeltsin-like reformers. "Market incentives? . . . Do [you] have, as we did, a beautiful Theory, as bold, as Grand, as comprehensive a construct?"

To a large degree, Kushner shares those sentiments. He wants a big, beautiful Theory to live by, even though he resides in an age that has invalidated living by theory alone. The further problem is that, unlike Shaw and Brecht, Kushner has no idea what that Big Theory might be. Shaw was a Fabian Socialist. Brecht was a Stalinist. Above all things, they were universalists, whereas Kushner became famous because he was a very particular kind of writer at a very particular moment in time.

"I didn't set out to write a play about AIDS," he has said of *Angels in America*. "I set out to write a play about what it was like to be a gay, Jewish, leftist man in New York City in mid-'80s Reagan America." In *Angels in America*, a present-day AIDS patient—a gay, leftist man living in New York City—learns he is an Old Testament prophet here to announce the coming of a new age, and he rises from his deathbed to deliver the word of the Lord.

"The Great Work begins," he says while standing in front of the Bethesda Fountain in Central Park—whereupon the play ends. What might that "Great Work" be? Kushner never says, because he doesn't know. All he knows is that the Great Work is "progressive."

Kushner has a way of opining about the "Great Work" of our time that makes one's jaw drop. His interviews provide an X-ray view into a mind calcified by unexamined leftist prejudices. They're sentiments shared around a coffeehouse table with like-minded folk who have never exchanged a word with anyone whose way of thinking differs even a scintilla from their own.

"What used to be called liberal is now called radical, what used to be called radical is now called insane, what used to be called reactionary is now called moderate, and what used to be called insane is now called solid conservative thinking," Kushner said in 1995.

All theater is political, in his view: "*Long Day's Journey [Into Night]* is about money and health care. *[A] Streetcar [Named Desire]* is a play about a prefeminist woman in the '40s who has no job and is drinking."

Kushner's aperçus often involve would-be-Wildean invocations of his preference for the male gender and the unexplained relation of that preference to his intelligence:

> Having the correct opinions is not the same as knowing the truth, having Wisdom; some people have that, but I don't know where they got it any more than I know, really, why I'm gay. But I'm reasonably sure I'm gay and I'm reasonably sure my opinions are at least 65% right 70% of the time, which makes me cleverer than all of the Republican party and 90% of the Democratic party and a whole lot of others besides.

His certitude about the rightness of his own opinions is probably unshak-

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AP / Wide World Photos

Tony Kushner

able, but many of his fans in New York were surely shaken down to their boots by an astonishing interview he gave to the *New York Times Magazine* in the wake of September 11. "My impression," said the writer once hailed as a visionary prophet of the New Millennium, "is that New Yorkers are a lot less hawkish as a city now than we were during the Gulf War, when we had no legitimate complaint and there was a frightening feeling of the city all falling in lock step behind the first Bush. Now we have suffered terribly, and we seem to be responding with far less eagerness for war."

This, in a city where George W. Bush elicited manic cheers by promising at ground zero that "those who knocked these buildings down will hear all of us soon." Is Kushner mad? No, just isolated, trapped in those coffeehouse conversations with the world's oldest living Bolsheviks and oldest surviving remnants of the anti-American left of the 1960s. "Now we know what collateral damage, as the Pentagon calls it, looks like up close," Kushner told the *Times Magazine*. "No one has had to see people fall from a 110-story building before—that's a particular horror that has been reserved for us. But it's entirely to our credit that we are learning something from it."

Indeed it is to our credit. What New Yorkers learned was something that Kushner is actually trying to teach the world in *Homebody/Kabul*—that there existed in the world a regime of sadistic barbarity, a fanatical regime that could not be reasoned or negotiated with, that could only be destroyed.

In the course of his three-hour, forty-five minute epic about Afghanistan, Kushner attempts variously to blame the condition of that sorry nation on British imperialism, oil companies, the Soviet invasion, and the covert U.S. support for anti-Soviet rebels there.

Kushner has said he was drawn to the subject of Afghanistan by his interest in the Soviet Union. In the 1980s, he recalled, "I found a great deal of value in the theories of socialism. And having been a student—not a supporter—of the Soviet Union, I was very disturbed, very repulsed by news accounts of what was happening during the Soviet-Afghanistan war. I found this conflict between what I believed to be the human values of socialism and the grotesque consequences of the attempt to apply some version of it to real politics."

Thus, as late as the 1980s, Kushner was puzzled by how a nation professing "the human values of socialism" could be so rude as to invade a neighboring land. He has evinced far less confusion in examining his native country, which he considers a viciously unjust gloss on Nazi Germany.

His first play, *A Bright Room Called Day*, received a brilliantly damning notice upon its premiere in New York in January 1991, just before Operation Desert Storm commenced:

> Perhaps if the world were not actually on the brink of war, *A Bright Room Called Day* . . . would not be an early front-runner for the most infuriating play of 1991. But then again, is the time ever right for a political work in which the National Socialism of the Third Reich is trivialized by being equat-

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ed with the "national senility" of the Reagan era? Or in which George Bush's ultimatum to Iraq, the Iran-contra scandal and Mr. Reagan's AIDS policy are all frivolously lumped together as historical progeny of the Reichstag fire and Dachau?

The author of these words was none other than Frank Rich, who only two years later would describe *Angels in America*—which emerges from precisely the same worldview that informed *A Bright Room Called Day*—as "a true millennial work of art, uplifting, hugely comic and pantheistically religious in a very American style." But *A Bright Room Called Day* wasn't about dying AIDS patients, and so it wasn't awash in unearned sentimentality like *Angels in America.*

In public remarks before an appreciative antiwar audience at the Guggenheim Museum in New York City just before the December premiere of *Homebody/Kabul*, Kushner said that "the American complicity in arming the mujahedeen . . . [led] to a decade of slaughter." In the course of the play, he seems determined to hold the United States responsible for the Taliban; it's set just after Bill Clinton bombed the al Qaeda camps in Khost in August 1998, and throughout characters allude to that event.

But the play reveals that Kushner has actually read far too deeply and considered the matter far too seriously to lay the blame for the Taliban at the feet of the United States or Britain. The Taliban are—were—a singular sort of menace, and Afghanistan is and always will be a singular sort of place. Those singular aspects of Afghanistan and the Taliban give *Homebody/Kabul* a surprising and powerful resonance. This is a haunting and beautiful play in spite of its author's best efforts to ruin it.

Does this mean that Tony Kushner has grown as a writer and a thinker? Almost certainly not. It means that when it comes to the face of evil in Afghanistan, some truths are so obvious even the most determined anti-American leftist can't miss them. ♦

Bush, Abortion, and Foreign Aid

No, the United States isn't killing women and children in the Third World. BY NICHOLAS EBERSTADT

IN CONTEMPORARY political debate, there is no surer way to discredit and delegitimize a policy than to establish that it injures women and children. Over the past year, a chorus of critics have lodged just this accusation at the Bush administration's foreign aid policy. According to their charges, cutting off U.S. funding to groups that perform or promote abortions will raise the death toll for women and children in the Third World.

The restrictions in question on U.S. international population assistance—known as the "Mexico City policy," or by its critics as the "global gag rule"—were originally implemented under President Reagan. President Clinton rescinded the policy for the entirety of his two terms. Then, on his first day in office, President George W. Bush reinstated the Mexico City policy. Detractors assert that move was not only unsound, but positively lethal. The *Atlanta Journal-Constitution* editorialized at the time that, through the new policy, "the President sentenced some of the world's poorest women to death." Similarly, California Senator Barbara Boxer argued that "no matter how [Bush] executes the policy," it "will lead to an increase in the number of deaths due to unsafe abortions."

Last fall, at the urging of Boxer and others, the Senate passed a foreign aid bill that would have revoked the Mexico City strictures. Under threat of a White House veto, the Senate-House aid bill ultimately excised Boxer's provision. But in the eyes of its critics, the global gag rule issue is by no means settled. As post-September 11 politics returns more nearly to pre-terror norms, Congress can be expected to revisit the Mexico City policy—possibly quite soon. And a return to the issue will mean a full airing of the critics' worst apprehensions about restrictions on U.S. population funding: namely, that these will cause higher rates of maternal and infant mortality, higher levels of unwanted pregnancy, and perhaps even higher overall levels of abortion as well. Happily, a closer examination of the evidence shows those fears to be unwarranted.

Determining the health consequences of the Mexico City policy is no simple exercise. In much of the developing world, vital registration systems are still rudimentary. Typically, a low-income country's statistical system is not capable of providing accurate annual tallies even of births and deaths. Consequently, for most countries that receive U.S. population assistance, one cannot trace the health effects of particular funding decisions with a great deal of precision. Nonetheless, we can be confident that the ultimate impact on maternal and children's health of the Mexico City policy is slight.

Why do I say this? We can begin by checking the record of the recent past. Over the past two decades, the United States government has already run a sort of "controlled experiment" with restrictions on its international population assistance funding. From 1984 to 1993, Washington enforced the Mexico City policy. For the following eight years, the policy was suspended. In addition, there have been substantial increases and decreases in U.S. international population assistance in recent years: Funding rose from $322

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million to $576 million between 1992 and 1995, then fell to $384 million between 1995 and 2000.

At the time, those quite substantial changes in U.S. population assistance occasioned predictions of striking—indeed devastating—repercussions on the health and well-being of vulnerable, low-income populations. In 1996, for example, Dr. Nafis Sadik, then executive director of the United Nations Population Fund, had this to say about impending cuts in U.S. population funding:

> The way U.S. funding is going, 17 to 18 million unwanted pregnancies are going to take place, a couple of million abortions will take place, and I'm sure that 60,000 to 80,000 women are going to die of those abortions—just because the funding has been reduced overnight.

Similarly, in June 1997 the Planned Parenthood Federation of America warned that the 35 percent reduction in funding for U.S. population assistance that year would translate into:

> Four million more women [with] unintended pregnancies that will lead to 1.6 million more abortions, 8,000 more women dying in pregnancy and childbirth, and 134,000 more infant deaths.

Those dire forecasts turned out to be very bad forecasts indeed. International demographic and health experts did not detect any upsurge in global birth rates, abortion rates, maternal mortality rates, or infant mortality rates after the 1996 cuts in U.S. funding. To the contrary: The Census Bureau depicts continuous and uninterrupted declines in both fertility levels and infant mortality rates for "less developed countries" for the years 1995-2000. Nor, incidentally, has evidence been adduced that a prophesied shutdown of medical clinics and cutback in health services actually came to pass.

Conversely, no acceleration in health progress for women and children in developing regions has been detected or even claimed for the period in the early 1990s when U.S. international population funding was rapidly increasing, and the Clinton administration was undoing the global gag rule strictures of the previous two administrations.

Put simply, the evidence suggests that the world is a more complicated place than those critics of restrictions on U.S. population funding assumed. In the vast and complex dynamic that shapes family formation and family health trends in low-income areas, the role of U.S. foreign aid in determining outcomes may be far less important than many in the "population community" assume.

But what of the health implications of the Mexico City policy itself? There are three reasons to expect the reimposition by the Bush administration of abortion restrictions on U.S. population assistance to have a limited demographic and health impact.

First, the restrictions themselves are not nearly so effective or far-reaching as both critics and supporters seem to imagine. According to a March 2001 report by the Congressional Research Service, the newly implemented regulations contain the following important exceptions:

> ⋆ abortions may be performed [by organizations receiving U.S. funding] if the life of the mother would be endangered if the fetus were carried to term or [if the abortions follow] rape or incest.
> ⋆ health care facilities may treat injuries or illnesses caused by legal or illegal abortions (post-abortion care).
> ⋆ "passive" responses by family planning counselors to questions about abortion from pregnant women who have already decided to have a legal abortion [are] not considered an act of promoting abortion.
> ⋆ referrals for abortion as a result of rape, incest, or where the mother's life would be endangered, or for post-abortion care are permitted.
> ⋆ USAID will further be able to continue support, either directly or through a grantee, to foreign governments, even in cases where the government includes abortion in its family planning program. Money provided to such governments, however, must be placed in a segregated account and none of the funds may be drawn to finance abortion activities.

Given the rather broad leeway allowed by these regulations, and the fact that the Bush administration has committed itself to maintaining and even increasing the overall level of U.S. international population funding, any impact from the changes in U.S. family planning policies would seem likely to be distinctly less noticeable than the impact of funding cuts in the late 1990s, which, as noted above, were not detectable in standard reference demographic accounts.

Second, U.S. population assistance is only one component of the total resources used in family planning in low-income regions—and while the United States may be a major international funder, it is by no means the dominant funder. If U.N. estimates are correct, U.S. funding today

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(around $450 million per year) accounts for less than a quarter of all Western population aid—almost four-fifths comes from other Western sources. And a still greater pool of family planning funds—some $7.5 billion—is raised by low-income countries themselves. By that reckoning, U.S. population assistance amounts in aggregate to only 6 percent of the resources for population programs that developing countries are already mobilizing.

Third, and most important, the correspondence between public health spending and personal health outcomes, far from being precise and mechanistic, is in reality rather diffuse. This is true for family planning expenditures and family planning outcomes as well. There are many reasons for this, but one of them is that the parents in question are independent actors in this drama. They take actions to safeguard and improve the health of their families irrespective of government programs and resources. Third World women, Third World adults, do not behave as passive, helpless agents in matters of central importance to their families—nor do they believe that babies are born under cabbages.

There is both good news and bad news, then, about the expected health and demographic consequences of the reinstituted Mexico City policy.

On the one hand, these restrictions are unlikely to have any significant impact on the global level of abortion. And it is most unlikely that these restrictions will tangibly reduce the rate of abortions in the regions affected by the new restrictions—as proponents of the Mexico City policy intended and hoped.

At the same time, the fear that these restrictions will lead to palpably higher levels of maternal and infant mortality is unwarranted. Claims of dramatic adverse health consequences from the Mexico City policy are undocumentable and unsupportable. Until evidence to support such claims becomes available, those charges should be regarded as political theater. ♦

Network to Nowhere

The broadband problem isn't supply, it's demand.

BY JAMES K. GLASSMAN

IN A YEAR OF RECESSION, unprecedented terror attacks, and the largest bankruptcy in history, there was good news from a surprising front. During 2001, the number of American homes and offices that hooked up to the Internet using fast broadband technologies like cable and digital phone lines roughly doubled—from 6.5 million to 12.5 million. Broadband revenue grew even more—up 127 percent to $4.8 billion.

Why is broadband so important? Because the next big stage in Internet commerce—a boom in online medicine, telecommuting, distance learning, and video entertainment on demand—depends on it. Such services are impractically slow when carried over the poky modems most people still use to connect to the web. TechNet, a Silicon Valley trade association, last month issued a report claiming that, with "widespread adoption of true broadband, . . . the benefits to quality of life are immeasurable."

Such statements may sound hyperbolic, but they carry a political punch. Since it took office, the Bush administration has been trying to figure out how to help extend broadband practically everywhere—both to boost the economy and to show that Republicans are tech-friendly, too. The chairman of the House Committee on Energy and Commerce, Rep. Billy Tauzin, has made broadband deployment his top priority. Since 1999, Tauzin and his Democratic counterpart, Rep. John Dingell, have been pushing a bill they say will solve a supposed broadband shortage—mainly by killing off pesky competitors to the four regional Bell monopolies.

But Tauzin-Dingell and other grandiose schemes are beginning to look like solutions in search of a problem. Broadband is now available to about 80 percent of Americans. According to the latest statistics, people seem to be adopting it awfully quickly. Why not more quickly? Perhaps because they don't like what the Internet has to offer. That could be a chicken-and-egg problem: Better content may first require more customers. Still, the more closely you look at the broadband question, the clearer it becomes that the trouble is not the supply; it's the demand.

More than two-thirds of Internet users still connect using dial-up modems with top speeds of around 56 kilobits per second. Typically, broadband allows speeds of about 400 kilobits—though speeds that are 100 or more times faster than dial-up are feasible. The TechNet folks want a "national policy" to give every American access to 400 to 500-kilobit broadband (fast enough to download a typical Hollywood movie in less than ten minutes). After all, many TechNet companies sell the stuff that makes these super speeds possible.

Still, even 400 kilobits is speedy compared to dial-up (a 10-minute download becomes just 90 seconds), and last year, the number of new users of four methods of delivering broadband shot way up. Subscribers to digital subscriber line (or DSL) technology, which juices up copper phone lines to broadband speeds, increased 87 percent. Subscribers to similarly

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speedy cable-modem services, which got a head start on DSL and provide broadband over the same wires as cable TV, grew 88 percent. And residential subscribers who access the Internet by speedy wireless or satellite increased from 120,000 to 500,000.

If this pace were to continue, every U.S. home would have broadband service in four years.

That's quite a turnaround, and it seriously undermines the Tauzin-Dingell bill, which rewrites the Telecommunications Act of 1996. That 1996 law, passed with the support of House Majority Leader Dick Armey and every other congressional free-marketeer, created the blueprint for deregulating the final bastion of the old telephone monopolies—the "last mile," the wire that goes from your house to the greater telecom network. Five years later, the last mile is still controlled in more than 90 percent of offices and homes by one of the four Bells: SBC, Verizon, BellSouth and Qwest, which divide up the country but don't compete with one another for local service. But the Bells now have to compete, both for local service and for broadband, with CLECs, or competitive local exchange carriers. So the Bells have been lobbying and filing lawsuits to make them vanish.

Tauzin-Dingell offers a new justification for giving the Bells a clear field. Its premise is that America desperately needs broadband, and that the competition engendered by the 1996 law only holds up progress. Instead of trusting competition, the bill trusts monopolists to get the job done.

But the job *is* getting done—without Tauzin-Dingell. And the firms that are doing the job are the selfsame Bells. They dominate DSL, but they wouldn't have rolled it out at all without the spur of competition. Nevertheless, the Bells continue to complain to Congress and the White House that they're discouraged from investing in broadband technology because current law allows their competitors to connect (at a price, of course) with the Bell systems.

The new numbers, however, belie that claim. For example, BellSouth recently announced that it had nearly tripled its subscriber base in a year and that new remote terminals make DSL service available to 70 percent of the households in its region.

"Despite a recessionary environment," wrote Robert Luke, a reporter for the *Atlanta Journal-Constitution*, on December 26, "BellSouth has met its goal of 600,000 subscribers this year . . . [and] expects to have 1.1 million customers next year, with revenue of $600 million." The company predicts that its broadband business will become profitable as early as 2003. BellSouth had only 30,000 broadband subscribers as recently as the end of 1999 and only 215,000 in December 2000.

Meanwhile, according to a January 9 news release, Verizon, formerly known as Bell Atlantic, "ended the year [2001] with an estimated 1.2 million DSL subscribers, meeting the company's year-end target on the strength of approximately 225,000 net additions in the fourth quarter." Verizon more than doubled its DSL base from 540,000 customers at the end of 2000.

In October, SBC Communications (the old Southwestern Bell) reported that it "has made its DSL Internet service available to more than 23 million homes and business locations today, which represents more than 55 percent of SBC customers." And, in its most recent earnings report, for the quarter ending September 30, 2001, Qwest Communications (successor to Pacific Bell) reported, "DSL revenue grew approximately 80 percent, reflecting an 84 percent increase in DSL subscribers to 391,000."

Nationally, DSL grew from 2.4 million lines in 2000 to 4.5 million in 2001, three-quarters of them residential. And DSL technology is available already to two-thirds of the customers of rural telecom carriers.

Should deployment be moving even faster? No one can possibly say. If Americans don't want broadband—especially at today's typical prices of $50 or $60 a month—then it's their own choice. No one wanted television either, until there were some decent TV shows, and few businesses were attracted to computers until spreadsheet software was developed. Right now, it makes little sense for government to subsidize broadband or otherwise try to ram it down people's throats.

Still, the broadband market isn't operating as freely as it should. There are roadblocks that stop consumers from getting what they want. And it's a legitimate function of government to remove those roadblocks—especially when government creates them.

Nearly all the obstacles are on the demand side. Federal Communications Commission chairman Michael Powell has noted that "broadband-intensive content is in the hands of major copyright holders"—especially music and movie companies that may appropriately fear Internet piracy but are inappropriately delaying economic progress in the process. These entertainment moguls have formed a frightened, retrograde cartel that's been withholding content from the Internet.

Part of the problem is the cowardice and stupidity of Hollywood, but another part of it is law that needs to be brought up to date. In a recent article in the *Washington Post*, Stanford law professor Lawrence Lessig advocated a review of current copyright laws to assure they do not "become a tool for dinosaurs to protect themselves against evolution." Here's a worthy project for the Bush administration that would do far more to disseminate broadband than fooling with the 1996 Telecom Act.

But the battle to free up content should not end there. Licensing requirements, backed by medical guilds, have held up the development of online health diagnosis and treatment across state borders. Many states also prohibit manufacturers from selling automobiles online, and entrenched education interests thwart the growth of the Internet as a tool for

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taking university courses or other educational programs in the home. While many of these roadblocks have been erected by states, President Bush could use his bully pulpit—and more substantive means—to tear them down. He's already been instrumental in preventing the worst of all roadblocks—Internet taxes, which the states would dearly love to impose but which have been barred by an extended moratorium.

To be sure, there are some supply-side problems. Broadband is an arena of high prices and low quality. Such ills are almost always a sign that competition is not robust enough. The reason is no mystery. Many CLECs have gone out of business in recent years because they had to rely on cooperation from recalcitrant Bells. "The competitors," wrote Karen Kornbluh of the New America Foundation, "are akin to the Gingerbread Boy of the fairy tale, riding across the river on the nose of the hungry fox. Their sole means of transportation has every incentive to do them in."

Through ingenuity and perseverance, however, many CLECs have survived and even thrived. If the 1996 Telecommunications Act were more vigorously enforced, they would be able to put more downward pressure on prices and upward pressure on service. More consumers would sign up, and more broadband-content companies would spring up.

If the successful deregulation of long-distance service in the mid-1980s is a guide, the CLECs probably need access to the Bells' networks for only a few more years—enough time to win a customer base sufficient for rolling out their own networks, the way that Sprint and MCI did in long distance. But Tauzin-Dingell would deny them the access the Telecom Act mandated, and without that access, CLECs would disappear altogether—and with them any incentive for the Bells to lower prices or expand broadband further.

The Bells argue that they are deterred from making broadband investments because the law requires them to give CLECs access to parts of their networks—a practice known as unbundling. But an extensive report by the Organization for Economic Cooperation and Development (OECD), issued in October, found the opposite.

"To date," says the study, "the major criticism of unbundling or line sharing [is] that such policies allegedly discourage investment in new infrastructure. No evidence has been forwarded to substantiate that claim. By way of contrast, there are huge investments being made by new entrants in local access markets, where unbundled elements are available, to provide broadband services." Since 1998, the report continues, "CLECs have invested $50 billion in network infrastructure in the United States. . . . Nor does unbundling deter [the Bell] incumbents from investing in upgrading networks."

Far from it. Growing at better than an 80 percent clip, broadband is alive and well in the United States. But it won't keep growing if the CLECs die. One way the Bush administration and Congress could help—and at the same time enhance national security—is by adopting a requirement that government agencies have at least two separate broadband pipes (one from a Bell and one from a CLEC, for example) into their key facilities. If one is disrupted in an attack, the other will continue operating. This sort of redundancy could be enacted simply by an executive order of the president.

What else can government do to speed broadband throughout the nation? It could enact a tax change to make it easier for businesses to write off capital investments—tech and otherwise. But beyond that, there's not much to do. The administration is eager to show that it's pro-technology, and that's fine. But being pro-technology does not necessarily entail intervention. Sometimes it means removing a few roadblocks and then stepping aside to let markets operate.

After the roadblocks come down, it may still be the case that most Americans won't want to sign up for broadband, perhaps because the offerings on the screen aren't particularly appealing. I guess that, as a technophile, I would be sorely disappointed, but as a believer in free markets and free choices, I would be completely satisfied. ♦

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Guantanamo's Unhappy Campers

The only abuse the detainees are experiencing is self-inflicted.

By Matt Labash

Guantanamo Bay, Cuba

It's 5 A.M. at the Roosevelt Roads Naval station in Puerto Rico, and 20 journalists straggle to the gate in sleep-deprived silence to catch a plane to Guantanamo Bay. Many of us haven't been up this early in years. But after flying thousands of miles, then pub-crawling through the streets of Old San Juan last night, we are here because our military escorts insist we show up at this time, though the flight actually leaves four hours later. "The military operates on one principle," explains a savvy veteran: "Hurry up and wait."

If we're not happy, that goes double for our public affairs babysitters. "I'm up to my ears in Vieques," says Navy Lt. Corey Barker, of the nearby bombing range/public relations fiasco that has been protested by everyone from Al Sharpton to obscure Kennedys. Now, Barker is stuck minding us as we light out for Guantanamo, the American naval station on the southeastern tip of Cuba. It is there that 158 al Qaeda/Taliban prisoners are being detained because, depending on who you ask, it is an ideal, sunny clime, it's not subject to the get-out-of-jail escape hatches of U.S. federal law, or because, as one senior Pentagon official says, "The lawyers didn't want to go on 14-hour flights to some guano rock in the Pacific."

Inside the air terminal, our baggage handlers check us in with the efficiency of Bulgarian DMV workers. A sign on the wall says "Air Terminal of the Year 2000." "I'd hate to see who got second place," whispers one reporter. As we wait for our flight on a creaky Pan Am jet, we are shunted off to the "VIP" room, so named because it has a coffee pot and seascape paintings that look pilfered from a south Florida retirement village. Here, we are given our media "indoctrination" packages, never an encouraging word if you aspire to reportorial autonomy. As we sit watching CNN, an unfounded rumor gains currency. Though it's Saturday, and we're supposed to be in Cuba until Monday, the military has changed plans and is going to make us leave Guantanamo Sunday morning. "One thing's for sure," says a wire reporter, "you won't have to sort through all your notes to decide what to lead with."

Fearing an abbreviated schedule, I commence valuable newsgathering. Knowing that in some Taliban-held provinces, pederasty rivaled headless-goat polo (*buzkashi*) as the favorite pastime, I ask a Naval officer if there are any reports of Guantanamo prisoners turning to man-love. "Oh God no," he says. "Though there are some Air Force personnel over there, so who knows what's going on?"

Another officer relays something we'll hear repeated often: that because of international political pressure, the prisoners are getting coddled. The latest report has Army guards directing detainees on which way to pray to Mecca. "They're actually going to paint arrows on the floors of the cells so they'll know to face north," he says. "You mean east," I say. "North, east, whatever," he replies, "I'm Lutheran—I don't know where the hell it is."

A few hours later, we touch down at the Guantanamo landing strip on the isolated leeward side of the base (Gitmo, as it is nicknamed, is actually bisected by Guantanamo Bay). After getting sniffed by a German shepherd who's more interested in bombs than my colleague's Percocet, we're escorted to the media center, an ugly wood-paneled affair that sits next to a pink hangar. After another hour or two of waiting, a mouthy reporter loudly calls his editor so we can all hear him report the latest: "Same shit, different day. Though they're really cleaning up the media center. Curtains, an air conditioner, even a freakin' bulletin board!"

The hospitality ends there. A stern sign on the bulletin board admonishes us to clean up after ourselves. The goodies set out on a table (grape beverage powder and apple jelly from meals-ready-to-eat packs) practically scream, "Can't wait till you leave." Many of us had secretly harbored the fantasy that we could talk our overseers into

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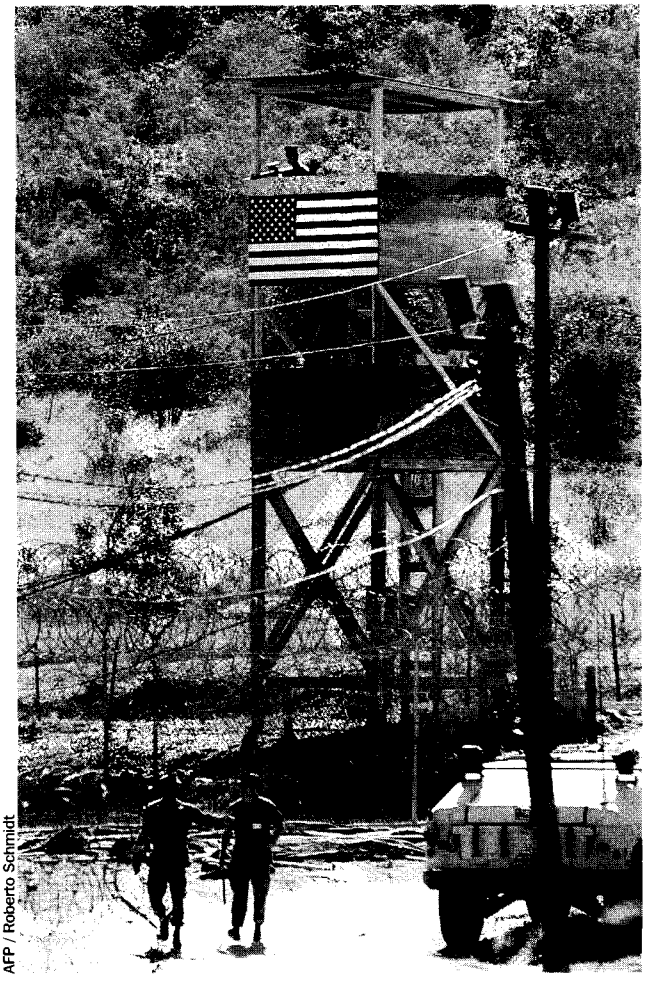

AFP / Roberto Schmidt

A Marine sharpshooter mans an observation tower.

letting us go right up to the prisoners' cells, the terrorist equivalent of a field trip to the ASPCA.

But as a gaggle of public affairs officers enter, they lay down two immutable laws: There will be no access to detainees (the Geneva Convention forbids making them a "public curiosity"). And we can go only where the officers take us. Running the public affairs show is Army Lt. Col. William Costello, a bearish soldier who looks like the kind of guy who enjoys breaking things on his face. His hard, dark orbs dart to and fro while he delivers a good news/bad news proposition. The good news is Secretary of Defense Donald Rumsfeld will be visiting the detainees' Camp X-Ray the next morning. The bad news is that the unfounded rumor is founded—the Pentagon press corps is coming with him, and we'll be forced to leave a day early.

Immediately, an angry media throng closes in on Costello, the air now containing an Altamont-like level of violence. "My editors are going to crush my nuts," says one reporter, probably female. "This is crazy," I say, "How am I supposed to get enough material for a piece?" "Not my problem," replies Costello. "This is bullshit," thunders another print reporter. "You're making us leave as the biggest story gets here." "You're not allowed to stay," says Costello. "Why not?" snaps the reporter. Costello's blood rises as his high-and-tight haircut stands up like an angry-dog scruff: "BECAUSE . . . YOU'RE . . . NOT . . . STAYING!" "Welcome to the Pearl of the Antilles," deadpans Lt. Commander Brendan McPherson, in a limp cruise-director chirp.

It's understandable if public affairs types are a little testy. There's an obvious culture clash (military personnel don't get paid to ask why; journalists don't get paid otherwise). Besides that, ever since the detainees started arriving on January 11, Gitmo and the joint forces being run under Southern Command have experienced the PR equivalent of what my ever-subtle colleagues—borrowing from Special Forces terminology for disastrous missions—call a "goat f—." In the richest irony of the war on terrorism, the Department of Defense, which normally goes out of its way not to make news, caused an international outcry by releasing still shots of detainees being brought to Camp X-Ray.

As they were transported and in-processed, al Qaeda members were photographed kneeling, wearing earmuffs, shackles, and blackout goggles. Though these seemed perfectly reasonable precautions to take when transporting by C-141 members of an organization already responsible for one prison uprising (Mazar-i-Sharif, which resulted in a CIA operative's death) and several suicide plane crashes, human rights groups and international media, led by a chorus of Euro-whiners, immediately lapsed into hysterics.

The British press, with typical understatement, claimed prisoners were being "brutalized, tortured, and humiliated," and that the whole operation was nothing more than "a sick attempt to appeal to the worst red-neck prejudices." Tony Blair pointed out that the three British al Qaeda members being held at Gitmo have had no complaints. But that didn't stop the *Mirror*'s Stephen Moyes from method reporting by donning an al Qaeda rig. "Wrapped in the suffocating orange boiler suit," he wrote, "I lost any sense of dignity"—a loss he could have just as easily sustained by rereading his own copy.

Sillier still were protestations from such humanitarians as Saddam Hussein and the government of Malaysia (Prime Minister Mahathir Mohamad has made some of the loudest noise, though Amnesty International dings him for arresting the speechwriter of a political rival, who was then blindfolded, stripped naked, punched, verbally abused, and forced to simulate homosexual acts—none of which is alleged at Camp X-Ray). About the only foreign leader who has supported the American detainee camp, ironically, is Fidel Castro, who is either angling to end the embargo or inching ever closer to dementia. (He declared January "Americans' Month" and invited Jimmy Carter for a visit.)

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AFP / Roberto Schmidt

The chain-link cells don't need air conditioning.

All of this has made Camp X-Ray personnel a sensitive lot. On the ferry crossing over to the windward side where the camp is located, I sit next to a now mellow Lt. Col. Costello, who has decided to patch things up with the reporter he snapped at, and who, after getting the sign-off from Southern Command, has cleared us to stay through Rumsfeld's visit. Costello, like many Gitmo types, is baffled at the uproar over the prisoners' treatment. "Soldiers and Marines that are guarding the detainees at Camp X-Ray have worse conditions than the detainees," he says. Much has been made over their being kept in outdoor cells, invariably called "cages," which are topped with corrugated tin-covered wooden roofs that keep what little rain Gitmo gets (six inches a year) off the prisoners. Costello says their eight-by-eight cells contain about twice as much space as soldiers have in their crowded, unventilated tents a few hundred yards away.

"They're getting warm showers, clean laundry, hot chow," Costello says of the prisoners. "They're getting 2,600 calories a day. I'm not getting 2,600 calories a day. I'm running my ass off chasing you guys around." (One of the medics treating detainees claims that a full quarter of them were suffering from malnutrition when they were captured.)

But we don't have to take Costello's word for it. We can see for ourselves, sort of. After a quick stop at McDonald's (the only one in Cuba), our white school bus transports us past beautiful seaside vistas and brownish cactus-infested scrub, past ramshackle housing and up a hill, which features an abandoned auto yard that the locals used to call Sears. It's where they'd strip old junkers for parts then used on jerry-rigged jalopies called "Gitmo specials."

Across from Sears is Camp X-Ray, a teeming hive of concertina wire, canvas tents, guard towers, and newly constructed plywood interrogation shacks with window-unit air conditioners. The chain-link cells themselves don't need air conditioning, since a comfortable Caribbean breeze (temperatures range from the low 70s at night to the low 80s during the day) continuously circulates through the encampment.

Restricted to an area about 150 yards away from the open-air cellblocks, we observe the camp from a slight elevation that CNN's John Zarrella calls "Heartbreak Ridge," so named "because if you're a journalist, it breaks your heart that you can't get closer." Gitmo has actually been the site of a lot of heartbreak over the years.

It broke Christopher Columbus's, when he stopped here on his second New World voyage. He left after failing to find gold, threatening to cut off the tongues of his crew if they didn't agree to pretend they'd reached Asia. It also rankles Castro, who has wanted to throw us off the island for four decades, but can't because of a pre-Revolution lease agreement. Likewise, when thousands of Cuban rafters were detained here for months in the mid-'90s, many grew so unhappy with Gitmo's ghostly desolation that they'd do anything to leave, including inject diesel fuel into their veins, drive tent stakes into their limbs, even swim back to Castro's Cuba.

By comparison, the al Qaedans look pretty fat, if not happy. They laze away in the shade of their cells. They sleep on inch-and-a-half-thick isomats, the same ones that are issued to our military. With the assistance of a Muslim Navy chaplain, they pray five times daily. (Quick studies, the al Qaedans didn't need arrows painted on their cell floors. A single signpost next to an American flag points the way to Mecca.) And while American prisoners in the Hanoi Hilton often spent years in solitary confinement and received no medical care (John McCain to this day can't comb his own hair), X-Ray detainees get daily sick calls from all manner of doctors, from optometrists to podiatrists. The prisoners (who represent about 25 different nationalities but mostly are Saudis) can also freely chat with each other about God knows what: prison uprisings, the demise of *Talk* magazine, trades of Froot Loops for garlic bagel chips.

Their restroom arrangements are pretty spartan. They get a white bucket for emergency squirts, while they are instructed to hold two fingers up for the alternative. At that time, a guard shackles them and takes them to the

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port-o-loo. While the military has spared no expense in construction costs (in three weeks, they built a completely operational field hospital staffed by 160 medical personnel—two more than there are prisoners), they've saved a fortune in toilet paper. It's the detainees' cultural preference not to use any. "We don't shake their hands," says one camp guard.

In addition to the aforementioned amenities, detainees also receive two towels, a Koran, a shortened toothbrush (still long enough to file into a shiv), a canteen, a bucket of water, fluoride toothpaste, and shampoo. Not just any shampoo, but "Lively" salon anti-dandruff shampoo—a "luxurious shampoo in a gentle formula that restores moisture, shine, and body to your beautifully clean hair." Those who think the prisoners are getting coddled (Rep. John Mica, a Florida Republican, visited the camp and said it's "too good for the bastards") will be happy to know that the shampoo is not jojoba-enriched.

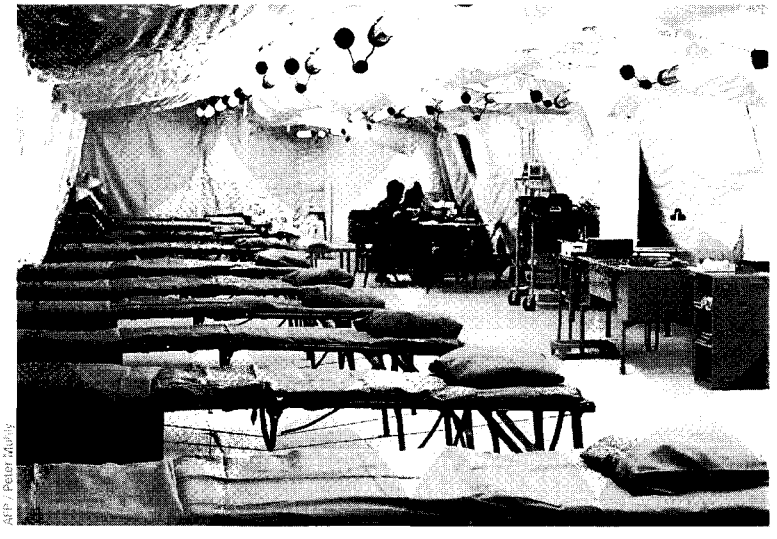
While public affairs officers these days are going to great lengths to talk about how docile the prisoners are, detainees have been reported biting a guard, spitting, and threatening to kill Americans. When I skirt away from my minders and visit the Marine snipers' tent, I learn it went well beyond that.

The snipers, of course, are the camp's deadliest sharpshooters, ropy young bucks (21-23 years of age) who seem largely culled from the western or southern United States, where firearms are often regarded as extra appendages. Their tent looks like a Marines-issued college dorm room: Skoal-juice bottles, laundry hanging everywhere, and a spade-like sniper insignia banner tacked to a tent wall. If there is a prison uprising, it is these gentleman who will man the guard towers and introduce the rioters to their 72 black-eyed virgins.

At some point, that might become necessary, they tell me, as plotting is obviously afoot. Sgt. Matt Lampert of Montana says the other day one of the prisoners was caught "with a piece of cloth stuffed with rocks that was tied off at the end." Sgt. Rodney Davis says that during chowtime, he sees them through his scope "making terrain models out of their food." And unlike say, Afghan prisons, where starving detainees are reportedly begging to be sent to Gitmo, there's plenty of food to play with. "They get fed better than us, sir," says Lampert. When I ask the Marines if they've seen anything weird, they laugh sheepishly, looking at each other. Finally, Sgt. Josh Westbrook, who sports a forearm tattoo of flaming baby heads, steps up. "They know they're being watched," he explains, "so they'll stare at you, and while they stare at you, they'll, uh, masturbate."

According to these Marines, they don't just pleasure themselves to freak out the snipers, but also to embarrass the female Army guards in the camp's interior. The weirdness doesn't end there. They've also eaten their toiletries and urinated on equipment. "The other day," says Westbrook, "one of the guys tried to do a naked cartwheel." In the most bizarre twist, Lance Corporal Devin Klebaur says a few have also been known to "put toothpaste in their ass." "What's the purpose?" I ask. "I'm not sure," he says, puzzled.

After leaving the snipers, I collar other grunts who say they believe the prisoners are more apt to act out whenever they see one of the regular visitors from the International Committee of the Red Cross enter the camp. "They're looking to be disciplined," says one, so that any aggressive guard behavior will make it look as if they're being brutalized by the American military in front of international witnesses. ICRC visits, says another soldier, are the highlight of a prisoner's day, since they've been spotted "giving the unshackled prisoners cookies and milk, cigarettes, shaking their hands." Many organizations who haven't been to Gitmo, like Human Rights



AFP / Peter Muller

The hospital specially built for the detainees

Watch, have been extremely critical of the prisoners' treatment, while the ICRC has aired no complaints. Still, says another soldier, "They're a pain in the ass. We see them offering them cookies, hugging them like they're best buddies. They're undermining everything we're trying to do."

What we're trying to do isn't exactly clear at this point. We are certainly interrogating the prisoners, though base sources won't divulge any information that's been gleaned. The prisoners will likely be formally charged and tried, though when I called a senior Pentagon source to

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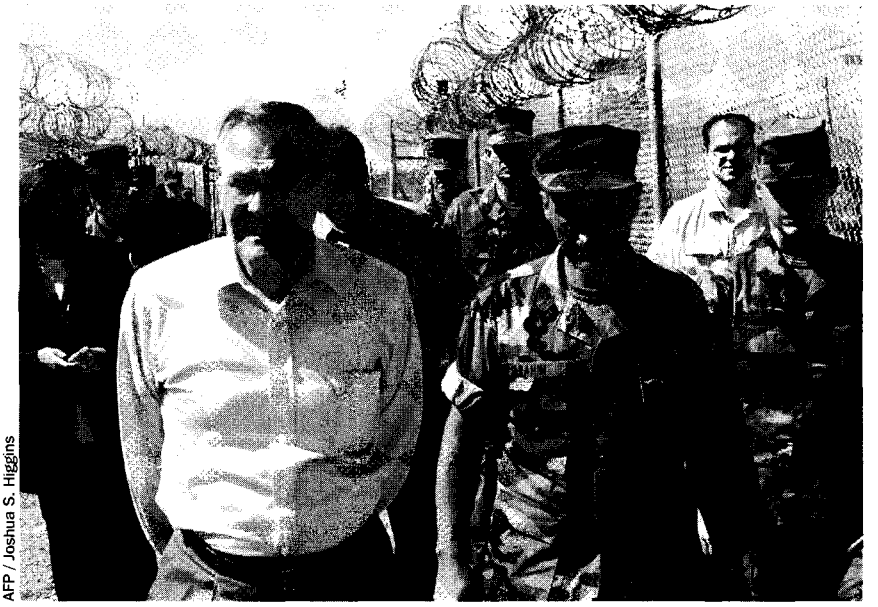

AFP / Joshua S. Higgins

Rumsfeld visits Camp X-Ray, January 27, 2002.

find out by whom and when, the source said, "If you find out, will you please tell me?"

On Sunday, Rumsfeld visits, and we hope for illumination. Sitting on a bus on the tarmac, waiting for the secretary to emerge from his plane, we pass the time as journalists do, discussing the AP-style spelling of "bin Laden," speculating whether the prisoners will get an Internet café (one of them has asked for video games), and making fun of the fresh-meat Pentagon press corps, who are overdressed in heavy wools instead of our much cooler island linens.

One of Rumsfeld's security agents mounts our bus, telling us the ground rules: no photos on the tarmac, no fighting, no hitting Rumsfeld in the head with a boom mike. After Rumsfeld tours Camp X-Ray with four senators and the chairman of the Joint Chiefs of Staff, Richard Myers (who is so overshadowed by the secretary's rock star aura that one reporter has to ask who he is), Rumsfeld meets the press on Heartbreak Ridge. He gives the sort of hooah performance that has endeared him to both the troops and the press. While he remains as firm as ever that the detainees are "illegal combatants," not "prisoners of war," which would afford them more rights under the Geneva Convention, he nicely avoids plucking the only hair worth splitting—whether the captives' status is his call. (Human rights hawks say the matter should be decided by a "competent tribunal," whatever that is.)

Even if it isn't up to Rumsfeld, the argument seems rather academic. It's hard to imagine anyone who has actually read the Geneva Convention wanting to confer POW status on alleged al Qaeda members. Doing so would not only make the terrorists eligible for repatriation to their home countries, but also would forbid their being punished for trying to escape, allow them to receive "scientific equipment" from home, and even confer upon them the right to dentures—in case they lost their teeth while, say, biting a guard. Most ludicrous, they would be afforded "advances of pay" in an amount "never . . . inferior" to that which we pay our own armed forces. If you're a terrorist from Central Asia, it's not a bad deal: Kill Americans, get arrested, then get a pay raise from America.

With all the global bellyaching about the detainees' right to humane treatment, it's hard to imagine them getting better treatment than they're already receiving. On my last day at Gitmo, all I have time to eat is a stale Ding Dong and a greasy plate of onion rings. My public affairs keepers couldn't care less. By contrast, for breakfast and lunch alone, the prisoners are served oatmeal, an orange, peanut butter, margarine, a "culturally appropriate" *halal* meal, and a giant snack pack containing Froot Loops, raisins, a Nature Valley granola bar, baked garlic bagel chips, and Bullseye barbecue-seasoned sunflower kernels. Still, the overseers of the prison are concerned that detainees aren't getting enough pita bread with their meals, and they're planning to make the food spicier, just the way the prisoners like it back home.

While we wait, we journalists have to stand in the hot sun most of the day. After hours, we are confined to our Consolidated Bachelor Quarters, sleeping four to a duplex room on cots, some without pillows or blankets. We aren't even allowed to go the beach, a few hundred yards away from our building (though, emboldened by the rum we imported from Puerto Rico, a colleague and I make a mad dash under a guard searchlight for the bathwater Caribbean anyway). Besides drinking, our only entertainment is a pool table—one cue is cracked, the other is missing its tip. The prisoners, by contrast, get to read their Korans, while novels and more "religious books" are on the way.

At the end of their day, they get a good night's sleep in a single cell. At the end of our day, we are told that a C-141 (the same plane that transported the detainees) just became available, and we are prematurely hustled off so the military can dump us in Nowheresville, New Jersey, on a Sunday night after every rental car place in the state has closed.

Perhaps the international community is right. The treatment being meted out at Guantanamo is inhumane. To see for yourself, don't bother canvassing Camp X-Ray prisoners. Just get a Gitmo press pass. ♦

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The State of the Presidency

Bush has become a bigger man in a bigger office.

By Noemie Emery

A new George W. Bush last Tuesday addressed a transformed country, wholly unlike the one he campaigned in, and as not quite the man who campaigned. Gone is the political dynamic of the past dozen years, gone the small presidency, gone the politics of minor entitlements, gone the burden of the social issues, gone the politics of splitting the difference between the fringe and the middle, of trying to graft a slice of the wary and unengaged center to an angry and overengaged base. The compassionate president is now the war leader; the man who once could not name the leader of Pakistan is wholly conversant with West Asian issues; the tormentor of language is frequently eloquent. He leads a country in which the political terrain has been utterly altered, with old constraints leveled, and new possibilities revealed. It is too early to tell what all these may lead to. But not to describe what they are.

Bush has changed. Proclaimed president by the networks shortly after two in the morning of November 8, 2000; given the office on December 12, when the Supreme Court of the United States put an end to the attempts of the Supreme Court of Florida to give the great prize to his rival, Bush became commander in chief on September 11, 2001, and a landslide president three days later, when he spoke at the National Cathedral in Washington in the morning, and at ground zero in New York that afternoon. Six days later came his big speech to Congress. No one since then has suggested he does not fill the screen. Years ago, so it seems, he called his campaign book *A Charge to Keep*, a phrase at the time that seemed windy and meaningless. Turns out he was serious. His rage at what was done on his watch to his country is open and raw. To *all* of his country. The defiant Texan now seems at home everywhere. Once ill at ease in blue parts of the country, he now loves New York, and vice versa. In the *Washington Post*, Jim Hoagland says he has settled "*la question Bush*," or the matter of gravitas. David Broder compares him to Lincoln and Kennedy. "Not one of more than fifteen prominent Gore loyalists interviewed said their candidate would have done a better job," reports Richard Berke in the *New York Times*. Bush, who squeaked into office by the most narrow of margins, is now strongly supported by almost 60 percent of the country, and has had the highest levels of sustained popularity for an American president since polling began.

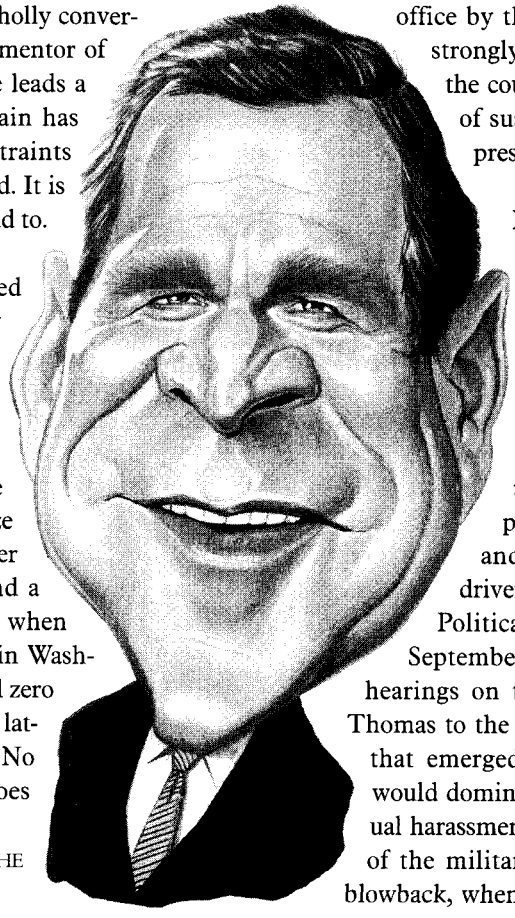

Illustration by Ismael Roldan

The office has changed. George H.W. Bush is said to have told Michael Beschloss that he could feel the air leave his office once the Cold War had ended. On September 11, it came rushing back. Gone is the Clintonian model of small, poll-driven issues. The presidency of school uniforms and wars on tobacco has been replaced by the presidency of Special Forces uniforms and shooting wars. Gone is a politics driven by a cluster of race-gender themes. Politically speaking, the 1990s began on September 10, 1991, with the opening of the hearings on the nomination of Judge Clarence Thomas to the U.S. Supreme Court, and the issues that emerged, and that poisoned that process, would dominate the decade ahead. Abortion. Sexual harassment. Identity politics. Gays, in and out of the military. Impeachment, that odd case of blowback, when the harassment traps laid by femi-

Noemie Emery is a contributing editor to The Weekly Standard.

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nists to trip up their enemies tripped up Bill Clinton instead. The public thought little of most of these issues, and when it did, it tended to cling to the middle. But the momentum was seized by the social polarizers, who grabbed hold of each party's base. As the public dozed off, their voices became ever louder. Activists representing minority views on non-voting issues were the only party loyalists left. Nomination fights swung on definitions of purity, on issues of abortion and race. Each base gave its party a firm floor of support and kept it competitive. But it also turned off and discouraged many swing voters, and put a ceiling on the growth of the parties.

There were three successive presidential elections in which the winner failed to reach 50 percent in the popular vote, and three elections roiled by voter rebellions: In 1992 and '96, the Reform party of H. Ross Perot carefully steered clear of all social issues, and in 2000 the cross-party favorite John McCain tried hard to do the same. The central political problem for presidential candidates of the last decade—how to convince your base that you are with them completely, while trying to reassure the rest of the country that you are not—proved too much for even the cleverest politicians, who swung back and forth between Sister Souljah moments and groveling, never quite managing the realignment that would boost one party above the other, and give it majority status.

This strange, steamy reign of the race-gender issues lasted ten years and one day. It came to an end at 8:46 in the morning of September 11, when people's minds were wrenched away from exotic diversions and focused on more basic things, such as matters of life and survival. The chasm that previously existed between the political extremes was not so much resolved as swamped, in a great tide of fellow feeling. Culture warriors took a triple hit on September 11: They lost visibility and access to media; their leaders said things that were stupid and petty; and their favorite tactic of divisive name-calling lost its rhetorical purchase. Few seemed to notice or care much that Giuliani and Bush, Ridge and Rumsfeld, Powell and Cheney, had conflicting views on abortion. Predictions of rot, from the left and the right, were proven mistaken. Afghan women were freed, not by National Organization for Women press releases, but by George W. Bush and his armed forces. For these reasons and others Michael Barone suggests that the "veto groups" of American politics have lost much of their power and salience. Bush has a saner political climate than before the strikes happened, a chance to build broad coalitions. It is an opportunity he has eagerly seized.

The attacks gave Bush the greatest of political gifts: the chance to start over. In 1992, Bill Clinton planned to run as a New Democrat and thrilling outsider, able to attract many new people by running against his party's establishment. Then Mario Cuomo withdrew from the race, and he was forced to run as the establishment, against candidates even stranger than he was. He repaired to his party's unions and interest groups, and never left them. In 2000, Bush planned to run as a different kind of Republican and thrilling outsider, able to attract many new people by running against his party's extremes. Then he was outflanked by John McCain, a temperamental outsider, and became the man running *against* the reformer, the handpicked candidate anointed by his party's establishment. Bush survived, but as the candidate from Bob Jones University, not the best footing from which to court centrists. He too never regained his early luster. Until the attacks.

September 11 gave Bush a second chance. Establishing himself as the national leader, he started to bond with those people put off by Bob Jonesness: urbanites, union members, soccer and basketball moms. Showing the multiple sides of his nature, he is running a war that is also compassionate. He has dropped bombs and foodstuffs, asked American children to raise money to help their Afghan counterparts, showed up at a soup kitchen to urge people to support charities overlooked in the rush to help the terrorists' victims. He has promised New York money and sympathy, bonded with the workers who were the day's heroes, pitched a perfect strike at Yankee Stadium. (Bush can "put together the old Reagan coalition," said Peter King, the congressman from Long Island. "He really has connected to construction workers and cops and firemen. I hear it the sad way—at wakes.") In a way, Bush is starting to replicate his accomplishment in Texas, where he occupied the broad middle and coopted his opponents. He is gaining hugely with independents, women, and moderates, the polls tell us. Groups once fiercely opposed now appear willing to give him a hearing. Many blacks seem to have dropped their reflexive hostility. His strong stance against terrorism gives him a platform from which to reach out to Jews. Bush has even been cheered in Manhattan. Realignment is surely not certain, but it is now possible. And that is not all that has changed.

The country has changed. The country Bush ran in was both fat and ill-tempered, pessimistic, uncertain concerning its prospects and future. Then catastrophe struck, and it perked up remarkably. The towers burned and collapsed, the Pentagon smoldered, the stock market tanked, and the public felt better. Anthrax loomed, alerts continued, and it felt better still. "Even though the country was in worse shape after September 11 than before, people said they felt better," wrote the columnist Robert Samuelson. "In a Sept. 7 to Sept. 10 Gallup

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poll, 55 percent of the respondents said they were 'dissatisfied with the way things are going in the United States,' while only 43 percent were satisfied. By early December, 70 percent were satisfied, and only 28 percent dissatisfied."

This change in the country tracks the great change in Bush, who through part of last year seemed unfocused and drifting. Bush—and the country—had been tested too little and given too much, and seemed like children when measured alongside their parents, not least in the recent campaign. Bush's father was a war hero at 18, a fighter pilot shot down in the Pacific Ocean. Bush flew on weekends, in the National Guard. Al Gore's parents had fought their way up from the most dire poverty. Young Al had been raised as a prince. Bush conceded as much in his acceptance speech at the Republican convention, when he assigned great wars and large deeds to his father's cohort, and small acts of kindness to his own. The implication, the unspoken dread, was that small, kindly acts might be all we were still good for.

Then, on September 11, the softest generation got the greatest sucker punch of all time. Nobody panicked. Nobody crumbled. Nobody fled. Americans everywhere became mad, and not frightened. Ordinary people behaved with astonishing valor. Ordinary people, who never had thought themselves heroes, brought down Flight 93. The culture held, and the market recovered. Rudy Giuliani emerged as the Winston S. Churchill of lower Manhattan. Bush did not put a foot wrong. If it is intoxicating to be shot at and missed, it is also intoxicating to be tested, and to do more than one ever imagined. It breeds exhilaration, and further self-confidence.

Arguments will rage over how much Bush has changed. It is probably true that he, like the country, was tough underneath all along, but until now lacked the venue to show it. At 55, as he puts it, he has found his "mission and moment." It shows.

There is one great thing common to all of these changes that is itself critical: the movement from the small and special in the direction of the basic and big. There are no issues more basic than life and survival; nothing bigger than this round-the-world war. The presidency is back at the center of everything. Bush, says Peggy Noonan in her new book about Reagan, is set to have an old-fashioned, Trumanesque presidency. The old order was one of caretaker presidents, leading fragile majorities based on minuscule issues with limits imposed by interest-group power, and agendas driven from the fringes. In the reign of George II, all of this was supposed to be true, only more so, trapped as he was by minority status, and two parties at absolute parity. Instead, the world has turned upside down. Bush's ratings are astral, even with Democrats; big issues are now driven from the center, and broad coalitions are within his reach. Given a new set of large, basic issues around which to forge deep emotional bonds with the public, Bush has his big chance to do what he wanted, and define and expand his own party. His moment may pass, and these thing may not happen. But we can say that he now has his shot. ♦

Michael Ramirez

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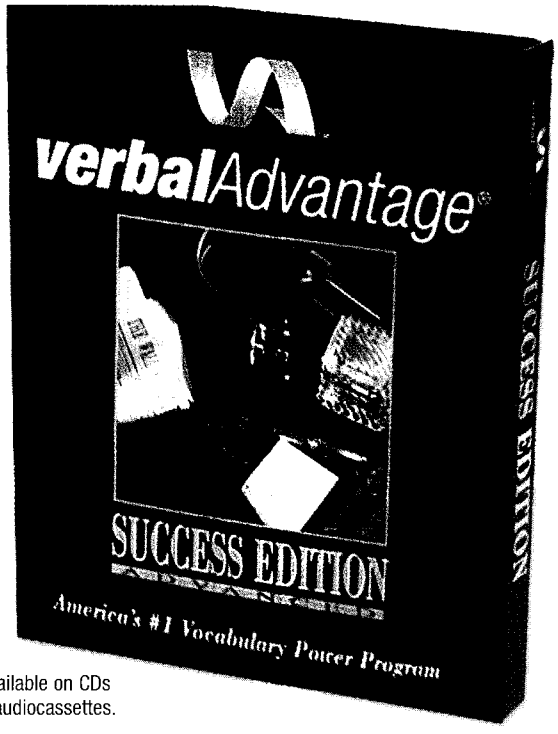

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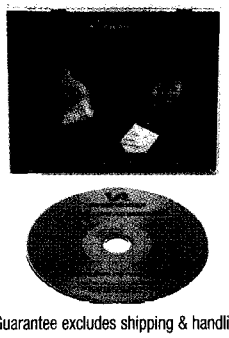

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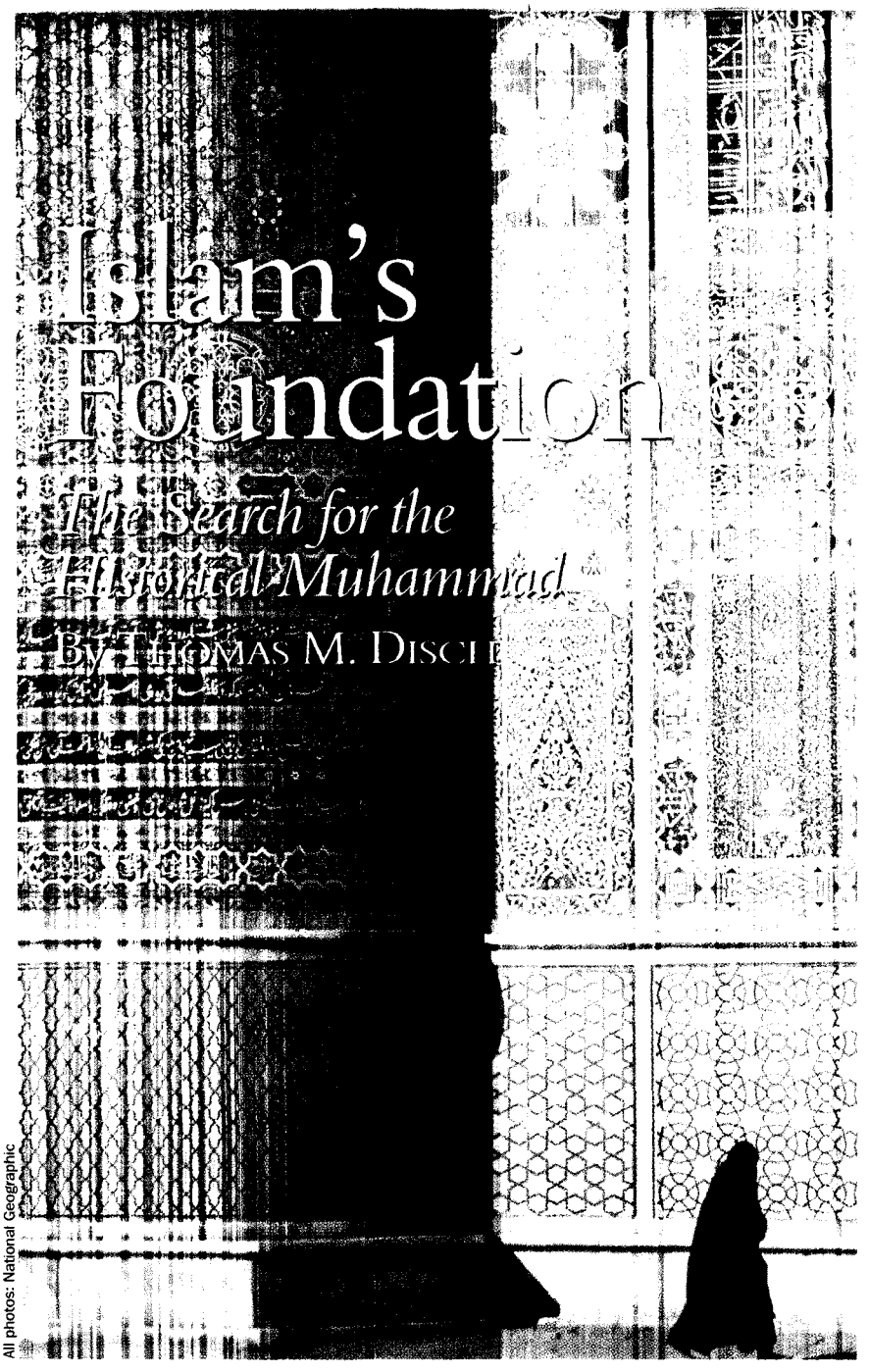
Islam's Foundation

The Search for the Historical Muhammad

By Thomas M. Disch



All photos: National Geographic

Living as an expatriate in Rome in the early 1970s, I came to know a young Arabist studying at the Vatican Library, who amazed me during the course of a long holiday banquet by explaining that the received wisdom among most non-Muslim scholars was that the Koran, far from being the work of Muhammad, had been compiled well over a century after his death—if, indeed, there ever was such a person.

What the Koran Really Says
A Textual Commentary
by Ibn Warraq
Prometheus, 600 pp., $36

I had read a brief life of the Prophet and some few selections from the Koran chosen to inculcate an irenic respect. My reaction to the holy text was more along the lines of *ho-hum* than *gosh-wow* (I could find nothing to compare to the poetry of Job or the epic grandeur of the Ramayana). But the notion that the Prophet might be no more than a figure in an Islamic foundation legend, a poetic creation like Romulus and Remus, was startling, for my sense of the matter (absorbed as a college undergraduate) was that promulgated by the nineteenth-century historian of religion Ernest Renan, who held that "in place of the mystery under which the other religions have covered their origins, Islam was born in the full light of history."

All that was before the Yom Kippur War of 1973, the ensuing decades of Islamic terrorism, the fatwah pronounced against Salman Rushdie, and the events of September 11. Since that string of dire events, understanding the history of Islam is no longer another easily shirked intellectual duty, but a matter of immediate and pressing concern. With Islamic fundamentalists—inspired by a zealotry that seems conscienceless and unremitting—calling for a holy war against Western civilization, it has become germane to inquire into the subject proposed by the title of Ibn Warraq's latest book, *What the Koran Really Says*.

Warraq may well be the most prominent authority on Islamic history and culture who is not a Muslim apologist or a political partisan but a critic. His three earlier books—*Why I Am Not a Muslim* (1995), *The Origins of the Koran* (1998), and *The Quest for the Historical Muhammad* (2000)—constitute a unique resource for Western readers seeking an overview of Islam that is informed, forthright, and undaunted by the likelihood of an extremely hostile reception among orthodox Islamic scholars, for whom any murmur of criticism can be a *casus belli*. For prudential reasons Warraq writes under an assumed name, and his publisher tells us only that he was born in the Middle East and lives and teaches in America. But, secure within his anonymity, Warraq dares to say those things that other Arabists can only hint at, or which they bury under truckloads of philological dust: that "Muhammad" was no Arab, that the Mecca from which he did not come did not exist at the time he wasn't there, that the Arab conquest

Thomas M. Disch is a novelist whose latest work in progress is "Mecca: A Vision of the Next Crusade."

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of the Mediterranean preceded the establishment of the Islamic faith by a good two centuries, and that the Koran was compiled from a variety of sources in order to provide the far-flung conquered peoples with a suitably "Arabic" religion—a religion, that is, free of the taint of the rival monotheisms in which it had its source, and which, very often, Islam was supplanting.

"Tell it not in Gath, publish it not in the streets of Askelon; lest the daughters of the Philistines rejoice, lest the daughters of the uncircumcised triumph," as the Second Book of Samuel puts it, has been the response of orthodox Islam to this feat of infidel scholarship. Against Warraq's phalanx of learned demolition experts, orthodox Islamicists have little recourse but to denounce Warraq as a hostile witness and to sneer, as one critic does in the pages of the *Middle East Studies Association Bulletin*, that he has not "the honesty or courage to divulge his identity." That seems to be the worst his enemies can come up with by way of contesting his methods and theories, for they offer no rebuttal to arguments that will strike most impartial readers as persuasive.

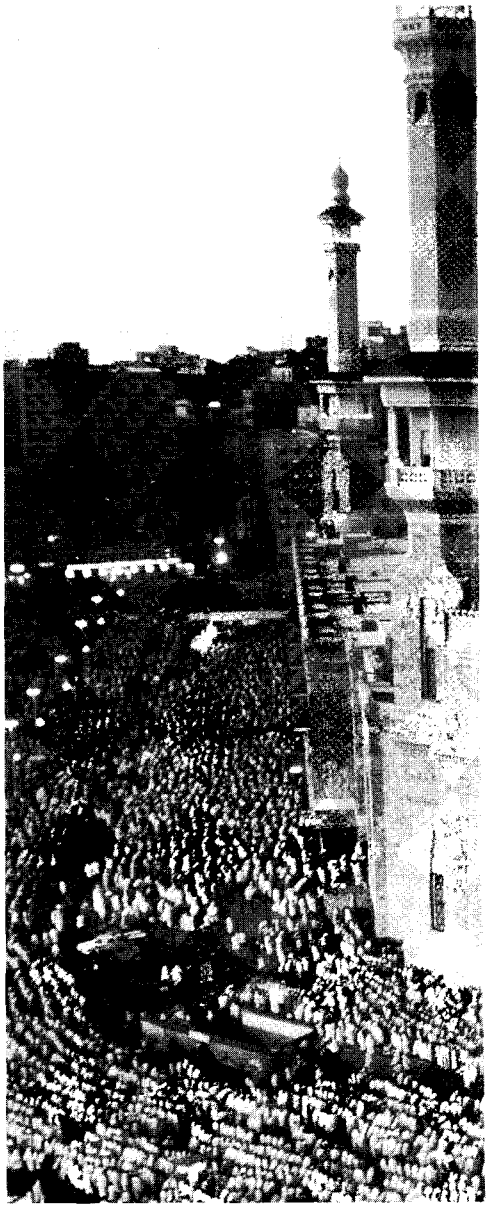
Worse still from the Islamicist point of view, the arguments they shy away from are not uniquely Warraq's methods and theories. He acts in his three most recent books as an anthologist of Koranic scholarship over the past century and as a popularizer of the work, published two decades ago, of John Wansbrough. That Wansbrough's work should have remained so obscure in the decades since his *Quranic Studies* of 1977 and *Sectarian Milieu* of 1978 suggests that it was written primarily for Arabic scholars, an audience who for the most part responded first with a shudder of horror and then a prudential silence. It well may be that the *only* defense against Wansbrough is to pay him no heed. Insofar as he did not himself act to make his work more widely accessible to a general readership, he assisted in keeping the shutters drawn and the cobwebs undisturbed.

There are scholars who have taken their cue from Wansbrough—Patricia Crone, Michael Cook, and G.R. Hawting, among them—and their works have been excerpted or summarized in one or another of Warraq's books. If there is to be a true "clash of civilizations," Wansbrough's theories are the literary equivalent of the explosives that brought down the two ancient Buddhas in Afghanistan.

All that stands in the way of such an un-meeting of the minds is the natural human reluctance on the part of all but the most fiercely inquisitive in the West to pursue the arduous trail of clues mapped by these scholars. Even without the aggrieved hostility of Muslim scholars it would be no easy mystery to unravel. Yet the essence of the problem can be easily stated, and has been, in an essay by Herbert Berg:

> As Wansbrough notes, "Bereft of archaeological witness and hardly attested to in pre-Islamic Arabic or external sources, the seventh-century Hijaz [the area around Mecca] owes its historiographical existence almost entirely to the creative endeavor of Muslim and Orientalist scholarship." That is to say, all Islamicists acknowledge that all the information we have about the first two centuries of Islam come from compilations and writings whose present recensions date from little earlier than the third Islamic century (i.e., 800 C.E.).

In short, the Dark Ages of Islam are a good deal darker than those of the West, and through all the years that the Sword of Islam was busy subduing the Near East and the Mediterranean, there were no written records of Muhummad that survive, no mention of the Koran—only hearsay assertions many times removed, in later sources. If these assertions are submitted to close textual analysis, using the tools of modern philology that have been used in the study of the Bible, what remains is a text riddled with inconsistencies and evidence of repeated tampering, a text with clear-cut borrowings from Judaic, Christian, and even Zoroastrian sources. Further, its Arabic is often ungrammatical to the point of incoherence, thus lending it to a history of tendentious "interpretations." In short, the Koran's texts (there are various



"Korans," often in conflict with each other) are chiefly a scandal and an intellectual embarrassment as the basis of an examined religious faith.

Christians in the West have been living with just such a scandal for at least the last two hundred years. It came to a crisis during the Victorian era as the educated middle classes of Europe and America shared scholarship's "quest for the historic Jesus." The shock waves generated by those inquiries still can be measured among all denominations, from the least doctrinaire Unitarians to the most diehard fundamentalists—who yet, for all the

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difference in their creeds, have found a way to occupy the same political space.

Across the globe Islam has a poor track record (which Warraq documents in many chapters of *Why I Am Not a Muslim*) at addressing the essential civilizing task of learning to tolerate other points of view and to join the West in a common era in which scholarship is not a hazardous occupation. Commentators on the Koran have been sentenced to death for suggesting that Muhammad's *parents* might not have been Muslims, and Islamic fundamentalists like the Taliban institute Orwellian regimes in the name of Islamic law.

It is best to read Warraq's four books in the order they were published. The latest, *What the Koran Really Says*, deals with the subject at its most fundamental level, studying the language of the Koran, searching out linguistic echoes of its debts to its sources, and dealing with passages of a symptomatically obscure nature. While such questions have their undeniable fascination, they can't rival the themes of his first book, *Why I Am Not a Muslim*, for the power to instruct, dismay, and shock. The first chapter alone is worth the cover price, for its brief history of how Islam came to be viewed so benignly and uncritically in the West. Far from being the conspiracy of slanderers conjured up by Edward Said in his influential study, *Orientalism* (1978), Western historians from Gibbon to Foucault have acted to exonerate the Prophet and his believers. Little wonder then that when Khomeini pronounced his fatwah against Rushdie many Western intellectuals joined him in reprobating Rushdie for his "blasphemy."

The double standard by which the West is denounced for its imperialism while Islam refuses to recognize the rudiments of international law has reached its pinnacle in the responses to September 11. Is Islam, as President Bush has hopefully declared, just like Christianity and Judaism in its love of peace and yearning for brotherhood? It would be wise to take Ibn Warraq's crash course in the subject before answering that question. ♦

The Butler Didn't Do It

A Victorian Murder, Solved.

BY SUSAN BALÉE

In Emily Eden's popular 1859 novel *The Semi-Detached House*, old Mrs. Hopkinson observes, "I like a good murder that can't be found out; that is, of course, it is very shocking, but I like to hear about it." Mrs. Hopkinson was echoing the sentiments of her Victorian readers, who had an insatiable appetite for murder in novels, newspapers, plays, and street hawkers' broadsheets.

Death at the Priory
Sex, Love and Murder in Victorian England
by James Ruddick
Atlantic Monthly, 224 pp., $24

One of the most famous Victorian murders that couldn't be found out was that of Charles Bravo, a thirty-year-old barrister who died after his intestines were burned to shreds by a corrosive poison in April 1876. The young husband, married less than six months, died in his wife's mansion in Balham, south London. Within a week, the police knew Bravo's death had not been a suicide (as they originally thought, and as one of the key suspects insisted), but a murder. The problem for the bumbling local police was not a dearth of suspects, but an abundance, including Bravo's unhappy wife, Florence Ricardo Bravo; her ex-lover, the aged Dr. James Gully; the housekeeper and Florence's companion, Mrs. Cox (whom the barrister had informed she would soon be dismissed); and the couple's former coachman, George Griffiths, whom Bravo had recently fired for a minor infraction.

The Balham Mystery, as it has been known for well over a century, has been the subject of numerous books and even a BBC television mini-series, but no one has ever solved the puzzle of Bravo's murder. He ingested antimony, a poison colorless and tasteless in water, from his bedside water jug, but no one knows who put it there. Even Agatha Christie—who hypothesized that old Dr. Gully was the murderer—nevertheless acknowledged that Bravo's death was "one of the most mysterious poisoning cases ever recorded."

Not anymore. James Ruddick, the author of an earlier true-crime book, *Lord Lucan: What Really Happened*, has solved the mystery by going beyond the published record of the coroner's inquest (all that other commentators have ever had to go on) and gaining access to the primary sources. Ruddick examined the full reports of the investigating officers, the forensic reports of the physicians involved in the case, and the complete statements of all the witnesses. Most important, he tracked down the descendants of all the principal suspects, discovering documentary evidence in New Zealand and Jamaica that provides enough evidence to expose the real killer—evidence that none of the investigators had in 1876.

Ruddick's proof is compelling, but he doesn't give it away immediately. Instead, *Death at the Priory* reads like a first-rate murder mystery whose key points are bolstered by the author's deep knowledge of the Victorian era. Bravo's murder occurred soon after legislation broadened the rights of women and the lower classes. It occurred after the explosion of sensational fiction by such writers as Wilkie Collins and Mary Elizabeth Braddon had moved the locus of crime from

A writer in Philadelphia, Susan Balée is the author of articles on Wilkie Collins, M.E. Braddon, Oscar Wilde, and Victorian culture.

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Gothic castles to the bosom of the Victorian family.

Collins's *The Woman in White* and Braddon's *Lady Audley's Secret* were blockbuster bestsellers when they appeared in the early 1860s. Indeed, by the time of Charles Bravo's murder, there had been so many high profile murder trials, celebrity criminals, and bestselling novels about killers disguised as respectable citizens that it began to be difficult to tell the facts from the fiction, the cause from the effect: Did highly publicized murder trials breed the novels, or did the novels breed the crimes? Certainly, many commentators at the time thought the latter. The Reverend Francis Paget, writing in 1868, observed that sensation novelists were providing would-be murderers with a how-to manual: "For the benefit of students in the science of Toxicology... the most approved methods for poisoning have been set forth with medical and surgical minuteness."

Meanwhile, readers crossed class boundaries, and the working classes and aristocrats were as united in their love of these books as they were united in their penchant for real-life murder trials. Homicide, as Richard Altick wrote in *Victorian Studies in Scarlet*, "became institutionalized as a popular entertainment, a spectator sport." Every new murder that cried out from the newspaper pages validated sensation novels and helped to create more of them.

So, for instance, the case of Madeleine Smith, the daughter of a wealthy Glasgow architect, who was tried in 1857 for poisoning her lover. (Many scholars think *Lady Audley's Secret* derived from this case.) Madeleine Smith, in the midst of a torrid affair with a French shipping clerk, suddenly met someone suitable to marry. Alas, her lover, who had saved the many letters she had written him crowing about their sexual escapades, decided to blackmail her. In February 1857, according to chemists' accounts, Madeleine Smith bought arsenic and her hapless lover Emile began to suffer from the gastric attacks that ultimately killed him. By the time of the inquest in the summer of 1857, the dock at Edinburgh was overrun with gawkers. Never had such a lovely, young, and well-born prisoner stood in the witness box. Prompted perhaps by Smith's glamour (as well as the omnipresent British francophobia), the jury returned a verdict of Not Proven, and Madeleine Smith walked free.

Florence Bravo wasn't so lucky, or perhaps she just didn't have Madeleine Smith's chutzpah. At nineteen, Florence Campbell caught sight of her first husband, a twenty-two-year-old grenadier, Alexander Ricardo. He was a

Charles Bravo

dark, handsome, dashing young man with distinguished and wealthy parents (his father was a Liberal MP, his mother a society beauty). They married in 1864 and Florence immediately began badgering Ricardo to give up the military, settle down in style, and produce a brood of children. In 1868, he capitulated, but he could not fulfill himself with the usual round of aristocratic pursuits—hunting, fishing, riding—and soon he turned to other women and alcohol.

Not surprisingly, the husband and wife began to fight, and Ricardo's verbal abuse ultimately became physical. Just before Christmas in 1870, Florence Ricardo left her husband and returned to her parents' house. Unfortunately for her, Robert Campbell told his daughter that it was "morally offensive" for a wife to leave her husband and that he would not permit her to stay. Florence became hysterical and a compromise was reached: Florence would go to the Hydro, an aristocratic sanatorium run by the eminent Dr. James Gully, to recover her nerves.

Florence recuperated so well that she precipitated the first great scandal of her life: She seduced her doctor. Dr. James Gully, a kind and empathetic man who listed Gladstone, Disraeli, Dickens, and Darwin among his patients, was nevertheless a small, pale, bald man in his sixties. It is a testament to his charisma that Florence fell so completely in love with the genial old physician. By consummating their relationship, both Florence and Gully took an enormous risk. Not only were both married (Gully's wife was in her eighties and confined in a mental asylum) but both were well-known society figures. If their liaison became known, they would be judged mercilessly and their reputations destroyed.

At first, Florence Ricardo must have thought she'd escaped without punishment: She'd taken a lover, and no one was the wiser. And then—*quelle chance*—Alexander Ricardo drank himself to death in April 1871. Best of all, he hadn't bothered to change his will, and Florence inherited forty thousand pounds, a fabulous fortune at that time. The wealthy widow bought a mansion in South London called the Priory.

Poor old Dr. Gully followed Florence to London at her request, buying a house five minutes' walk from the Priory. He had asked Florence if she would marry him when his wife died. Florence wasn't too sure she really wanted to marry this kindly substitute father, but she was certainly enjoying the sex with him. At least, until the day they were caught *in flagrante*, at the home of friends Florence was visiting in Surrey. Florence had been ostensibly "entertaining" her doctor friend in the drawing room while her hosts were out for a walk. As fate would have it, the hosts returned for an umbrella, at which point "they heard the unmistakable sounds of sexual activity.... When

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'What's Tried and True'

A flood of Taliban prisoners are overflowing prisons, detention centers and Guantanamo, Cuba. JFK and J. Edgar Hoover contemplated a solution to the serious problem. Both concluded G.W. deserved their cooperation.

Said JFK to J. Edgar Hoover: "I think something like the Peace Corps on a large scale and concentrated in Afghanistan would work."

"Sort of snatching victory out of the jaws of defeat, you mean?" asked Mr. Hoover. "Not bad. The Taliban lost. Give them a chance to win something good."

"Exactly," JFK replied. "Better bucks than bullets. Establish a network of checkpoints throughout that country. Staff each one with former Taliban prisoners, the ones who have been re-oriented, so to speak, and can be trusted."

"O.K., what else?"

"Train cadres of ex-prisoners in peaceful pursuits, agriculture, cattle, small business, big ones. Let these trained men satisfy local needs, countrywide. Train them in diplomacy, medicine, entertainment, education, and sports," JFK suggested.

"Makes sense," Mr. Hoover thought. "This program could go along even with the fighting. It's even possible Taliban fighters could switch to peaceful pursuits if the program was handled professionally. It could bring peace."

JFK continued, "I don't remember seeing anything like this proposed. I think G.W. is the man for this. He could recruit American Muslim volunteers. He could dispatch them to Afghanistan. They might work wonders. Let them be instructors."

J. Edgar Hoover then said, "I see it clearly. Why not? Better bucks than bullets. America might even build up Afghanistan to where it becomes a factor in world trade. It looks that way to me."

"There's a lot of spirits haunting the White House," said JFK. "G.W.'s the kind of man who listens to and welcomes good spirits."

"Amen," Mr. Hoover agreed.

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they entered the room they found Florence lying on the sofa, Dr. Gully beside her." The owners of the house were disgusted and outraged; worse still, the servants had heard everything "and the gossip marched through London with the speed of an epidemic."

Florence Ricardo was now banned from respectable society, with only her fellow outcast, Dr. Gully, to solace her. That solace ended when Florence realized she was pregnant. This scandal could not be weathered, for it would be the end of Gully's career and Florence would have to emigrate; there'd be no remaining in England after she'd borne the doctor an illegitimate child. Facing the scorn of their peers, Gully eliminated the evidence, performing an illegal abortion on his lover.

The only person who knew was Mrs. Jane Cox, Florence's housekeeper and companion. Mrs. Cox stood by her mistress. When the operation went wrong, and Florence nearly died, Cox nursed her day in and day out. To quell the rumors, Cox informed the servants that Mrs. Ricardo had been operated on for a tumor. Only later, at the coroner's inquest for Charles Bravo's death, did Mrs. Cox acknowledge that the operation had actually been an abortion.

At this point, the relationship between Florence and Gully was effectively over, but that of Florence and Mrs. Cox had been greatly strengthened. Had Florence not craved acceptance by her social peers, she might have lived out her days quietly at the Priory, a widow staring down scandal until time and her good behavior could succeed in recouping her respectability, just as they ultimately do for Mrs. Catherick in Collins's *The Woman in White*. But Florence didn't have that kind of patience; she couldn't bear life without a man, without the propriety marriage conferred on a woman. So she entered the orbit of Charles Bravo, a rising young barrister, with the help of Mrs. Cox, who had once worked for the Bravos and could therefore make introductions.

Bravo was talented and handsome, and Florence was so taken with the respectability he represented that she

Florence Ricardo Bravo

Dr. James Gully

All pictures: Atlantic Monthly Press.

was willing to overlook the troubling aspects of her suitor, not least among them the fact that he was well known for his "greed and penury." This should have been clear to her when she confessed her affair with Gully so he would hear it from her before he heard it from someone else. As Ruddick rightly notes, "No man of Charles Bravo's background would consider marrying a woman who had just confessed to aborting a pregnancy during an adulterous affair with a sixty-seven-year-old man unless he was chiefly interested in her money." When Florence invoked her right to keep her fortune (the Married Women's Property Act of 1870 prevented husbands from assuming their wives' assets), Bravo nearly called the wedding off. Only when Florence agreed to make a will benefiting him in the event of her death and leasing him the Priory in her lifetime did Bravo consent to take her hand.

The marriage was ill-omened from the start, and it quickly mushroomed into something insupportable. Bravo insisted on control of the household finances, firing servants to save money and urging Florence to give up her horses and garden. When she remonstrated, Bravo took out his anger in the bedroom. When each of her two pregnancies with him ended in a serious miscarriage that undermined her health, he made it clear that he would keep trying until they produced a son.

All of this, and more, came out in the coroner's inquest, but the case against any one suspect could not be proved, in part because Florence Bravo and Mrs. Cox supported each other—and in part because the servants banded together against the local police inspector. Indeed, the wealth of the Bravo household kept Chief Inspector Clarke at arm's length. A policeman's entrance into the home to investigate a murder was seen as an invasion of the family's rights, which is why, probably, there are so many inept and ill-at-ease detectives in nineteenth-century fiction. Perhaps the best known is Sergeant Cuff, the hapless policeman assigned to the case in Wilkie Collins's *The Moonstone*, a novel based on the 1860 Road Murder, when upper-class Constance Kent was cleared of charges that she had murdered her younger stepbrother and then, five years later, confessed to the crime. In the Kent case, the real-life Inspector Whicher suspected her but was overridden. In *The Moonstone*, Cuff is fired for his presumption.

It's no wonder that Clarke could not solve the Bravo case when all the principals were so resolutely shut against him—nor is it surprising that an amateur detective from a higher class, James Ruddick, could do so over one hundred years later when the descendants of these same people gave him access to their private documents. Ruddick's *Death at the Priory* is a marvelous read, revealing a world where respectability sometimes covered a variety of disreputable secrets. Though never officially charged with her husband's death, Florence Bravo drank herself to death in 1878. Unlike Madeleine Smith, she could not leave the scandal of her past behind her.

And as for her husband's murderer—ah, well, for that, you'll have to read the book. ♦

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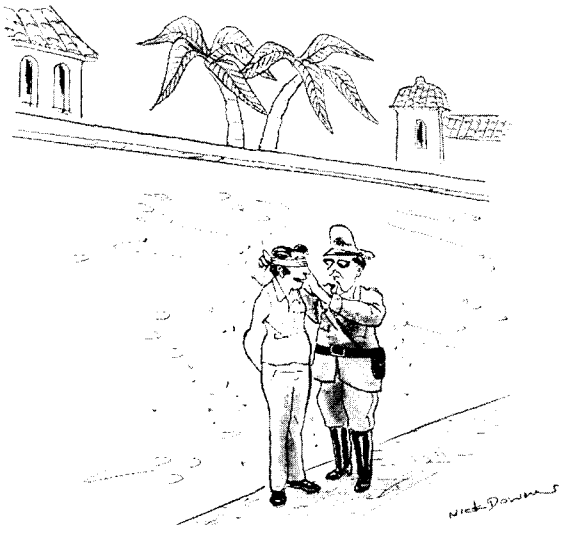

"I was quoted out of context."

St. George and the Dragon

The Clash of Orthodoxies: Law, Religion, and Morality in Crisis by Robert P. George (ISI, 387 pp., $24.95)

Here's the problem for religious believers, as most of America's intellectuals see it: In a democracy, the only way we can do politics is by rational discourse—which is to say, the things we claim about law and morality must be defended on rational grounds and have their origin in reason, not prejudice or irrational commitment. But religious beliefs are, by their very nature, irrational commitments (and often prejudiced, besides). However well one presents an argument against, say, cloning, its only possible origin is a divine revelation that admits no rational defense. And so public laws—even the apparently reasonable ones—that echo religious believers' opinions must be overturned, and believers—even the apparently reasonable ones—must be excluded from public discourse.

Faced with this assault, religious thinkers have tended in one of two directions. The first admits that believers are irrational—but then claims that so are secularists: There is no such thing as reason divorced from all irrational commitments; secularism is just as much a sect as any religion. The second grants the demand that reason rule public discourse—and then claims that a large set of religious believers' moral claims are perfectly rational in origin, born of the human reason that God Himself created in us.

These options may look contradictory, but along comes Robert P. George to seize both: Rationality is the sole ground of public discourse, and secularism is deeply irrational. If we're going to start excluding people from our political deliberations, nonbelievers are the ones who are going to have to go, for rationality itself gives us insights into natural law—self-evident truths—that religious believers are trying to represent in politics and public morality.

It's as big a claim for religion as America has seen in a long time and made even bigger by the fact that it is an entirely philosophical, not religious, argument. But George has been putting it for several years in essay after essay, on topic after topic. And now in *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* he's collected those essays in a powerful and important volume.

That's not to say he has no critics. Deep in the weeds of natural-law theory, there are battles going on between adherents of the various camps, and some of George's sternest opponents are his fellow Catholics, such as the American philosopher Russell Hittinger, who reject the anti-theological line of natural law George adopted from the British theorist John Finnes.

Curiously, George has been well rewarded by soft leftists for his hard-line work on the right. Who among conservative intellectuals holds a position as distinguished as Robert George's McCormick Chair of Jurisprudence at Princeton University, a chair hallowed by its former holder, Woodrow Wilson? His books—particularly his 1995 *Making Men Moral*—are widely reviewed and argued about, and he is the opponent of choice when public debates are arranged at Princeton. Even conservatives have begun to recognize his work: George has recently found funding to establish the Madison Program at Princeton, and he's been appointed a member of President Bush's council on bioethics, headed by Leon Kass. It's a long way to have come for a West Virginia lawyer, even if he did happen to go to Harvard and Oxford.

Some of the essays in *The Clash of Orthodoxies*, such as "The Political Theory of the Culture of Death" and "Same-Sex Marriage and Moral Neutrality," take up specific moral issues of pressing concern. Others, such as "God's Reasons" and "The Concept of Public Morality," argue at a more general level for George's views of jurisprudence and political theory. But all the essays are aimed at a nontechnical audience, and in them the reader gets to watch a fascinating mind at work: brilliant, of course, and learned, but, above all, tenacious. Robert George is the bulldog of American intellectuals—grasping hold of a topic and refusing to let it go until he's gotten to the bone.

—J. Bottum

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"To say 'Our nation is at war, our economy is in recession and the civilized world faces unprecedented dangers' is as bold and clear an opening of a State of the Union message as I have ever heard."

—*Richard Cohen*, Washington Post, *February 1, 2002.*

Parody

Weather

Today: *Rain early, some sun later. High 50. Low 32.*
Saturday: *Partly sunny. High 46. Low 34.*

Details, Page **B10**

The Wa

Thursday, February 14,

World Leaders Embrace "New Frankness" At Summit

Bush Influence Making Itself Felt

By MIKE ALLEN
Washington Post Staff Writer

"Our currency is dropping like a dive-bomber, our climate is frigid, and so are our women," Canadian Prime Minister Jean Chrétien announced at the opening of this week's Western Powers summit in Ottawa. Chrétien is not the only world leader to have taken a cue from American President George W. Bush in recent days.

"It's a general move towards frankness," according to French President Jacques Chirac. "When I gave my 'Let Me Explain to You, My Fellow Countrymen, What Deodorant Is . . .' national radio address, there was some consternation, but we have to keep moving forward. We can't continue to be a country living off its past," he said, "which, of course, is exactly what we are."

Chirac made his remarks before an address by German Chancellor Gerhard Schroeder entitled "Germany: Economic Basket Case." Schroeder rallied his delegation with the opening boast, "Germany doesn't just rank at the rock-bottom of European economic performance—it's also the only country in the world where 300-pound, 60-year-old men walk around in leather trousers and think they're being sexy."

He had to cut short his remarks to accommodate Russian President Vladimir Putin, who stayed just long enough to enumerate how many billions worth of natural resources Russia's political classes have stolen from state

the weekly Standard
FEBRUARY 11, 2002

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Globalization versus Imperialism

Tibor R. Machan is a research fellow at the Hoover Institution and the editor of *Business Ethics in the Global Market.*

Globalization, some say, is a form of imperialism. Along with the supposed invasiveness of American culture—via Hollywood movies, McDonald hamburgers, and Coca Cola products—**globalization is seen by some as the equivalent of international aggression.**

A similar charge was made some years ago at a United Nations conference in Vienna; representatives of some nondemocratic nations complained that the idea of human rights was intrusive and imperialistic and thus threatened the sovereignty of their countries. Some serious political thinkers still object to the very notion of universal ethical and political principles, as if human beings as such didn't share some basic attributes that imply certain guidelines for how they should live.

To charge that globalization is imperialistic is like claiming that liberating slaves imposes a particular lifestyle on the former slaves. Globalization, in its principled application, frees trade. Barriers are removed and restraint on trade is abolished, both the opposite of any kind of imposed imperialism.

The idea that economic principles are culturally relative confuses highly variable human practices with ones that are uniform across all borders. The production and exchange of goods and services are universal. The political contingencies of various societies, born often of power, not reason, distort such universality by imposing arbitrary impediments. Slavery, the subjugation of women, and the prohibition of wealth transfer from parents to offspring are examples of conditions not natural to human life—rather they are artifacts of ideologies.

American intellectuals often fail to appreciate the country's goal of establishing a political ideal for human beings in general, not for blacks, whites, women, Catholics, or Muslims. This ideal, when exported, is the farthest thing from imperialism. It is, in fact, the closest we have ever come to bona fide human liberation (a term inappropriately adopted by Marxists who mean to impose a one-size-fits-all regime).

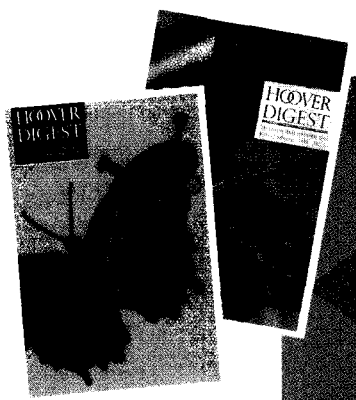
Globalization has thus not been effectively linked with what is at its heart, namely, human liberation. Because some schemes have been mislabeled as cases of "globalization," the genuine article has tended to acquire a bad reputation. But those are exceptions. To globalize has been to spread freedom, particularly in commerce but also in politics and civil life.

Genuine globalization should be supported not only because it is economically prudent but also because it is consistent with a basic human aspiration to be free. This is no threat to cultural diversity, religious pluralism, or the great variety of benign human differences with which globalization can happily coexist.

Only those who wish to impose their particular lifestyle on the rest of us would fear globalization and the spread of human freedom.

— Tibor R. Machan

Paid for by the Hoover Institution, Stanford University.



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